



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, DECEMBER 14, 2022
5:30 PM AT CITY HALL, 220 CLAY STREET**

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of November 22, 2022

Public Comments

Old Business

2. **Public Hearing - Rezoning to R-4 with New Zoning Agreement – Midway Business Park (RZ22-003)**
Location: Midway Business Park on Greenhill Circle
Petitioner: Lucas Moore, Oak District LLC
Previous discussion: September 28, 2022, September 14, 2022, November 22, 2022
Recommendation: *Approval*
P&Z Action: *Hold the Public Hearing and make a recommendation to City Council*
3. **Public Hearing - Rezoning – Lots 1-4 of Midway 2nd Addition (RZ22-005)**
Location: 3019-3028 Lovejoy Drive
Petitioner: City of Cedar Falls
Previous discussion: November 22, 2022
Recommendation: *Approval*
P&Z Action: *Hold the Public Hearing and make a recommendation to City Council*
4. **Site Plan Review - Tri-plex on Lot 4, Hanna Park Commercial Addition (SP22-012)**
Location: Southwest of the intersection of Valley High Drive and Cedar Heights Drive
Petitioner: Kyle Larson, LGC; Larry Koosmann EI, Clapsaddle-Garber Associates, Inc
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discussion and consider making a recommendation to City Council*

New Business

5. **Southwest Cedar Falls Urban Renewal Plan**
Location: South of the West Viking Road Industrial Park
Petitioner: City of Cedar Falls
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Recommend that the proposed plan is in conformance with the general plan for the development of the city as a whole and forward to City Council.*
6. **Preliminary Plat – Hidden Pines (PP21-006)**
Location: Southeast of the intersection of Greenhill Road and Cedar Heights Drive
Petitioner: Stephen Clabby, Owner; Kyle Larson, LGC, Developer; Fehr Graham, Engineers
Previous discussion: None
Recommendation: *Introduction*
P&Z Action: *Discuss and continue to next meeting*

Commission Updates

7. Training Resources - Request for topics from the Commission

Adjournment

Reminders:

- * December 28 and January 11 - Planning & Zoning Commission Meetings
- * December 19 and January 3 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
November 22, 2022
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on November 22, 2022, at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Hartley, Larson and Moser. Leeper and Lynch were absent. Thomas Weintraut, Planner III, Jaydevsinh Atodaria, Planner I, and Chris Sevy, Planner I were also present.

- 1.) Chair Hartley noted the Minutes from the October 12, 2022, regular meeting are presented. Crisman made a motion to approve the Minutes as presented. Grybovych seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.
- 2.) The first item of business was a final plat for Wild Horse Ridge Sixth Addition. Acting Chair Hartley introduced the item and Mr. Atodaria provided background information. He explained that the subdivision is off of West 12th Street and Union Road and was originally known as Copperstone. Twenty-two single-family lots are proposed with street connections to Sonoma Drive and Pebble Stone Place. Stormwater management has moved into the existing detention pond and through easements on the rear of each lot. Staff is working with the developer minor changes in the drawings and recommends approval with any comments or direction from the Planning and Zoning Commission.

Phil Kenealy, 4414 Blair Ridge Road, spoke on behalf of the neighborhood regarding the plat not including playgrounds for the growing number of families with children in the area. He noted that the closest park is two miles away from their neighborhood. They would like to see greenspace for the children in the area.

Acting Chair Hartley asked about greenspace requirements in subdivisions. Mr. Weintraut stated that this subdivision was preliminary platted before the current subdivision code requirement of dedication a portion of the development to park space.

Mr. Kenealy asked if there had been public comments made in 2021 when the preliminary plat was discussed. Mr. Atodaria explained that he can look into that.

Mr. Larson asked if there were any changes from the preliminary plat to the final plat. Mr. Weintraut stated that there were no changes. Ms. Crisman stated that the idea of adding parks is a good idea to discuss in future projects.

Mr. Larson made a motion to approve the item. Ms. Crisman seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.

- 3.) The next item for consideration by the Commission was a request to rezone property in Midway Business Park to R-4 with a new Zoning Agreement. Acting Chair Hartley introduced the item and Mr. Sevy provided background information. He explained that staff brought forward a zoning agreement in September for this request and it was discovered through that process that there were some errors in the original legal description from the 1994 agreement. This consideration is more of a formality at this point since the commission previously voted in favor of the changes that the applicant has requested. At this time, staff proposes to replace

the agreement as opposed to amending it, cleaning up provisions that have been fulfilled. Staff recommends setting a public hearing to consider a new zoning agreement that will encompass the Midway Business Park and restrict the uses to professional offices, nursing homes and assisted living facilities. The resolutions approving the 1994 agreement and the 2018 amendment will be rescinded. The new agreement will be brought forward at the public hearing. Staff also recommends setting a public hearing to consider a proper rezoning of the Midway Business Park to R-4 utilizing the correct legal description.

Ms. Crisman made a motion to approve move the item forward for public hearing. Mr. Larson seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.

- 4.) The next item for consideration a rezoning request for Lots 1-4 of Midway 2nd Addition. Acting Chair Hartley introduced the item and Mr. Sevy provided background information. He explained that Lots 1-4 were part of the original agreement discussed in the previous item. One of the stipulations was that both streets would end in a cul-de-sac and these lots would be restricted to residential uses and be zoned R-4. Because R-4 has several other uses that are not considered residential, the zoning would need to be changed to R-1 for these lots so as to be regulated the same as the other residential parcels in the neighborhood. Staff recommends setting a public hearing to consider rezoning the subject properties from R-4 to R-1.

Mr. Larson thanked the developer for bringing a great project to the area and apologized for any unplanned delays.

Mr. Larson made a motion to move the item to public hearing. Ms. Moser seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.

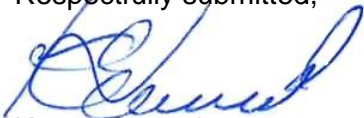
- 5.) The Commission then considered a site plan review for a tri-plex on Lot 4 of Hanna Park Commercial Addition. Mr. Weintraut stated that this item on agenda cannot be discussed as Mr. Larson will be recusing himself from this discussion because of a conflict of interest. And thereafter the commission does not have a quorum to discuss the item. In such a case, this item will be automatically deferred to the next Planning and Zoning meeting. Mr. Weintraut also apologized to public attendees who were here to make comments on the item. Acting Chair Hartley mentioned that this item will be now introduced and discussed in the next available Planning and Zoning meeting and apologized to the public attendees.
- 6.) Mr. Atodaria provided Commission updates regarding the Downtown Character District projects. He mentioned that since the adoption of the CD-DT zoning district, we have had several projects completed and several ongoing projects. He discussed that there are both small and bigger-scale projects. Smaller-scale projects including fences, signage, detached garages, paving, and interior remodeling work have been approved as part of the regular permitting process. Mr. Atodaria noted that a few of the garage addition projects would not have been allowed under the previous code. The CD-DT district provides more flexibility in size and location, for which the applicants were able to get approval for the proposed project. Mr. Atodaria then summarized five big-scale projects including design and site plan review (including proposals, architectural renderings, and other significant details) for the Other Place at 209 Main Street, the Wyth Flats at 706-172 Main Street, Upcoming brewery/restaurant and restaurant/bar at 315 & 317 Main Street and the Clay Street Cottages at 215 W. 9th Street. Mr. Atodaria noted that except for the Clay Street Cottage project, all other applications have been reviewed and the work is ongoing on the projects. He also noted that the Other Place sports bar, work is already completed, and the new place is open to the public. Mr. Atodaria stated that the site plan and design review application for the Cottage Court project was just submitted late last month, so currently, the project is under the review phase. Staff also

mentioned that they would be continuing to provide more updates on the ongoing projects and new projects that may come for review in future meetings. Acting Chari Hartley mentioned that he is happy to learn about some exciting projects ongoing downtown and appreciated the staff's update. Mr. Larson mentioned that it is exciting to see wheels in motion and collective effort from the staff. He also noted that the before-after pictures clearly show the matrix of success. Mr. Larson asked for a report of the elapsed time of the review process from the initial inquiry of the applicant to see how streamlined the code changes have made things.

- 7.) As there were no further comments, Ms. Crisman made a motion to adjourn. Ms. Grybovych seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.

The meeting adjourned at 6:03 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Chris Sevy, Planner I
DATE: December 14, 2022
SUBJECT: Zoning Agreement – Midway Business Park

REQUEST: New Zoning Agreement - Midway Business Park

PETITIONER: Lucas Moore, Oak District LLC

LOCATION: Lots 5 & 6 Midway Business Park: Greenhill Circle

PROPOSAL

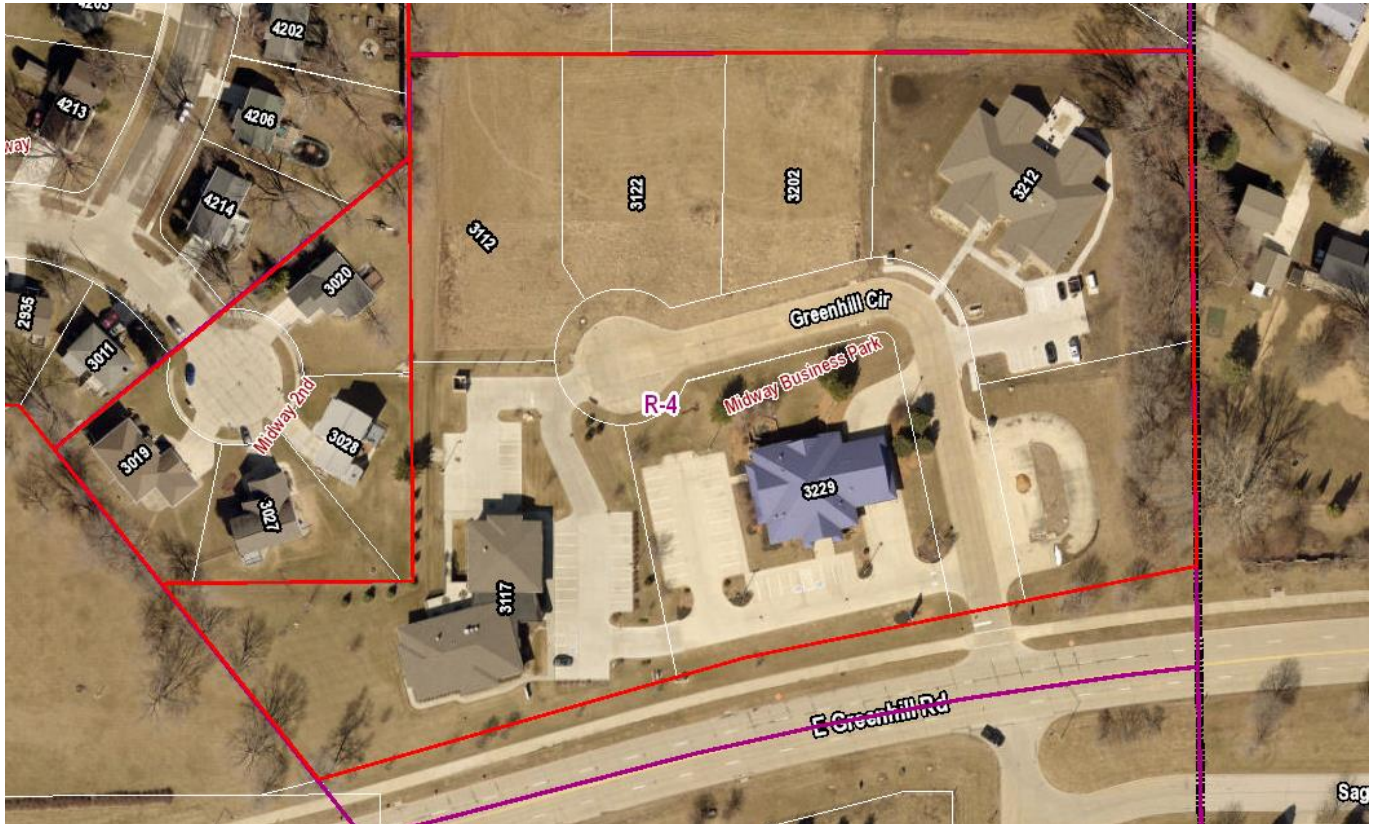
The applicant submitted a request to amend the zoning restriction placed on Lots 5 and 6 of the Midway Business Park subdivision. This restriction only allows for the construction of professional service office buildings and the applicant wishes to establish a nursing home/senior assisted living facility on said lots.

BACKGROUND

This request and issue came before the Planning and Zoning Commission on September 14, 2022 (introduction and setting of public hearing) and September 28, 2022 (public hearing). However, in preparing an amendment to the zoning agreement it was discovered that there was an error in the legal description included in the original zoning agreement from 1994 so it did not accurately describe the same properties that were rezoned to R-4 at the time. Since this error nullifies that rezoning, the agreement, and any subsequent amendments, it is best to rescind the original agreement and draft a new one that includes the conditions that remain relevant today, specifically the use restrictions in the Midway Business Park. It is also necessary to properly rezone to R-4 as the original resolution to rezone used the same legal description as the agreement.

The other two conditions of the original 1994 agreement have already been accomplished. Namely, Lovejoy Drive ends in a cul-de-sac, and four single family homes have been constructed on the four lots at the end of Lovejoy. This effectively separates the residential neighborhood from the Midway Business Park, so no commercial traffic can flow through the neighborhood (see aerial image below). For reference, the minutes from the previous meeting

are noted below.



Aside from the issue of the legal description of the land this would apply to, no material facts regarding the request and staff's analysis have changed. It should be noted that an amendment to the 1994 agreement was approved in 2018 which provided for a nursing home/senior assisted living use on lots 7 and 8. With the success of the initial facility, Oak District, the applicant would like to take the necessary steps with a new zoning agreement to allow a second similar assisted living facility on Lots 5 & 6. If this request is approved, only two lots within the Midway Business Park Subdivision will remain undeveloped.

One important issue is that there are four single-family homes at the end of Lovejoy Drive (cul-de-sac abutting the business park) that were zoned R-4 and were included in the 1994 agreement to be restricted to single-family use. Since the conditions of the original 1994 agreement have already been accomplished and the legal description did not entirely encompass those lots, the use restrictions may not be enforceable. The property is currently zoned R-4, High Density Residential. To ensure that multifamily and non-residential uses are not established in that single-family neighborhood counter to the intent of the original agreement (however unlikely), staff will be recommending rezoning these properties to R-1 to be consistent with the rest of the residential neighborhood. Staff has reached out to these property owners to explain the situation and proposes to rezone their properties to R-1, so staff is bringing that forward as a separate rezoning case before the Planning and Zoning Commission.

ANALYSIS

To the north, the property abuts a City-owned lot that is used as a stormwater detention basin, to the east is the Oak District assisted living facility, to the south is First Security State Bank and to the west is an undeveloped lot currently owned by First Security State Bank.

This request is unlike a typical rezoning request because the initial request restricted the usage of these two lots to professional office uses. The proposal is to execute a new zoning agreement to allow a use that is generally permitted in the R-4 district. All basic utility accommodations serve the property including sanitary sewer and a water main to each lot. The developer would utilize one connection and the other service connections will need to be abandoned at the developers cost. Vehicular access to the property is from Greenhill Circle.

The two lots in question are 1.09 acres in area. The site plan submitted mirrors the previous development showing a 9,813 square foot building with 16 units and 11 parking spaces to serve the staff and visitors, as most residents are unable to drive.

Based on the proposed development of Lots 5 and 6 in the Midway Business Park addition, staff supports this request to allow nursing homes and assisted living facilities in addition to professional offices by executing a new zoning agreement. The proposed use, assisted living, is allowed in the R-4 zoning district. Reviewing the case history of this zoning agreement and subsequent platting of the property, staff finds that this change to the zoning restrictions will be compatible with the surrounding neighborhood. The one-story building is similar in height to nearby homes and subject to similar building setbacks. Use of the property for supportive housing is consistent with the intended purpose of the zone. The traffic to the subject properties will not affect the surrounding residential properties because the only access to these lots is from Greenhill Circle via Greenhill Road.

The zoning agreement approved in 1994 and revised in 2018 will need to be rescinded and replaced by a new zoning agreement which accommodates the proposed assisted living facility. The new zoning agreement will only encompass the lots within the Midway Business Park and not the four single family lots at the end of Lovejoy.

A notice was mailed to the adjoining property owners on September 6, 2022 regarding this zoning district amendment. An additional notice was also mailed on November 4, 2022.

Notice of public hearing regarding these rezone considerations was published in the WCF Courier on December 7, 2022.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of a new zoning agreement that encompasses the Midway Business Park and restricts the uses to professional offices, nursing homes, and assisted living facilities. As part of this action, the resolutions approving the 1994 agreement and the 2018 amendment will be rescinded.

The Department of Planning and Community Services also recommends approval of a proper rezoning of the Midway Business Park to R-4 utilizing the correct legal description.

PLANNING & ZONING COMMISSION

Introduction
11/22/2022

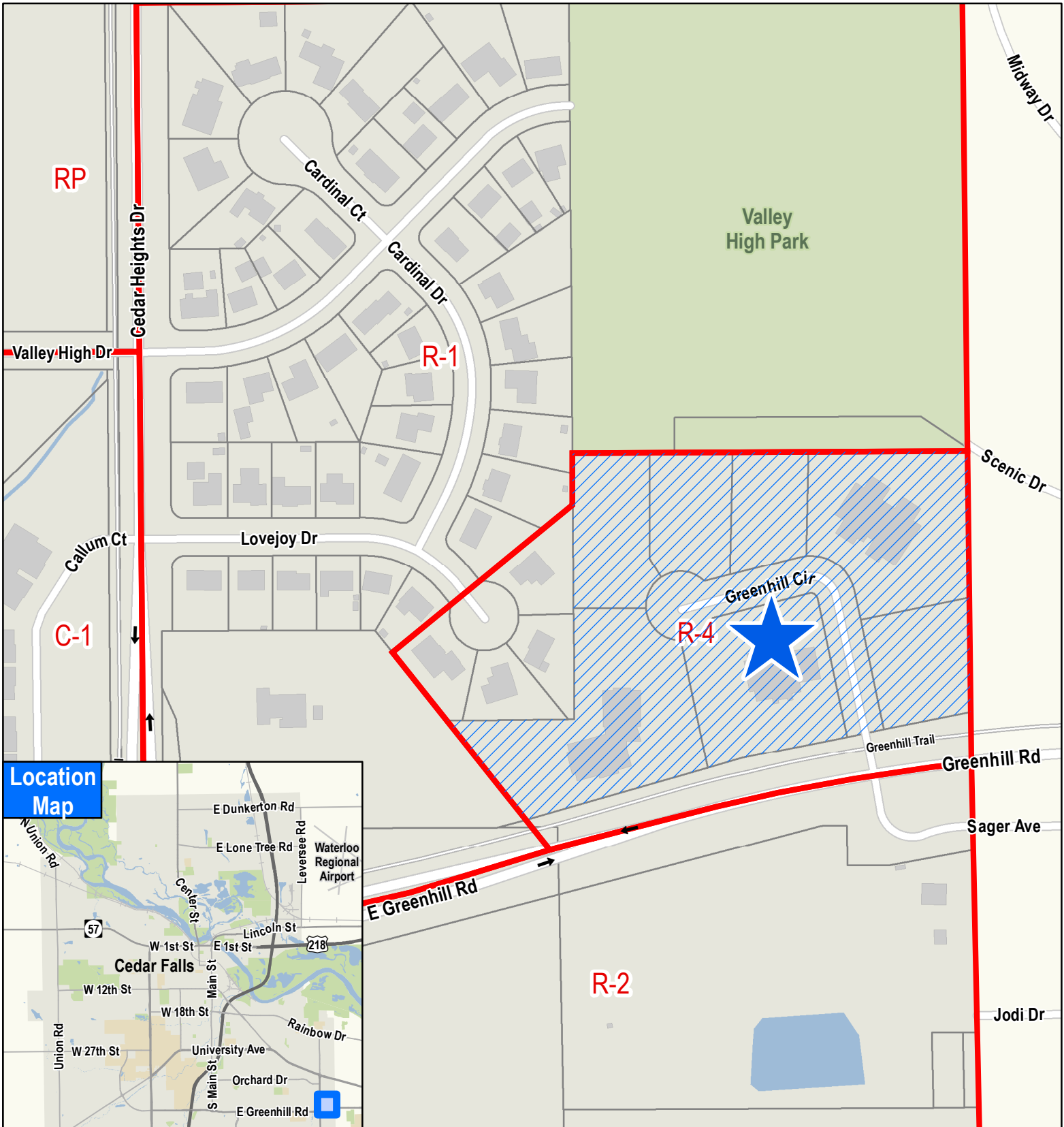
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Ms. Crisman made a motion to approve move the item forward for public hearing. Mr. Larson seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.

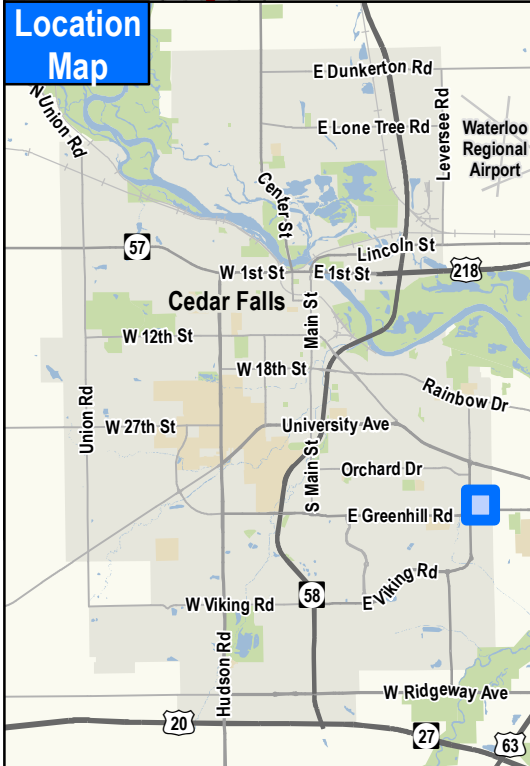
Attachments: Location map
Lots where assisted living facility is proposed
Request Letter
Original Zoning Agreement
New Draft Agreement

Cedar Falls Planning and Zoning Commission November 22, 2022

Item 2.



Location Map



**Zoning Agreement update & Rezone to R-4
Midway Business Park
All properties on Greenhill Circle**

FINAL PLAT MIDWAY BUSINESS PARK CEDAR FALLS, IOWA

LEGAL DESCRIPTION

That part of the Southwest Quarter (SW ¼) of Section Twenty (20), Township Eighty-nine (89) North, Range Thirteen (13) West of the Fifth Principal Meridian, in the City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Commencing at the Southeast corner of said Southwest Quarter (SW ¼); thence N 0°41'32" E 180.64 feet to the Point of Beginning at the intersection of the East line of said SW ¼ and the Northerly right of way of Greenhill Road; thence S 80°00'00" W along said right of way 372.63 feet; thence S 75°28'38" W along said right of way 356.43 feet; thence N 37°27'26" W 203.11 feet; thence S 88°59'23" E 201.66 feet; thence N 1°00'37" E 424.01 feet to a point on the East line of Midway Addition which point is 595.00 feet North of the South line of said SW ¼; thence S 88°51'17" E 631.69 feet to a point on the East line of said SW ¼ which point is 595.00 feet North of the South line of said SW ¼; thence S0°42'21" W along the East line of said SW ¼ 414.93 feet to the Point of Beginning, containing 7.492 acres more or less, and is subject to easements and restrictions of record.

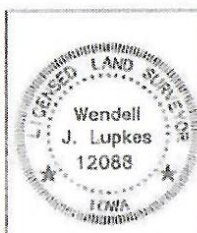
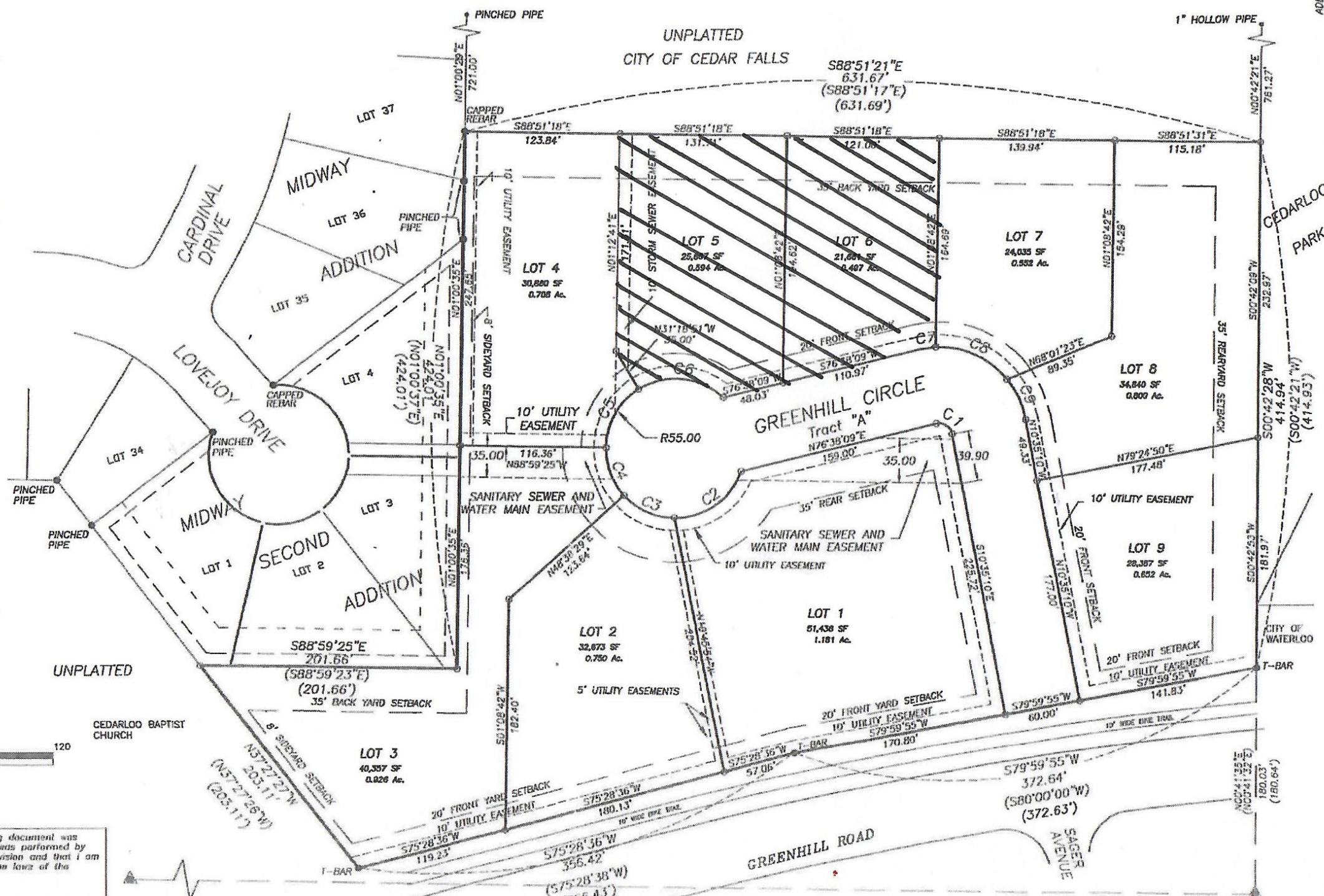
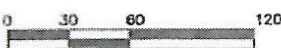
OWNER / DEVELOPER
FIRST SECURITY STATE BANK
3118 GREENHILL ROAD
CEDAR FALLS, IA 50613

- NOTES:
1) THE EAST LINE OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR N 0°42'21" E (A RECORD BEARING)
2) THE UNADJUSTED ERROR OF CLOSURE IS BETTER THAN 1:10,000
3) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

CURVE	LENGTH	RADIUS	CHORD	CHORD BRG
C1	14.95	10.50	13.72	N51°23'02"W
C2	68.44	55.00	64.11	N55°20'25"E
C3	44.83	55.00	43.60	S69°39'36"E
C4	41.58	55.00	40.80	S29°38'59"E
C5	55.37	55.00	53.06	S29°50'52"W
C6	71.89	55.00	66.80	N83°52'01"W
C7	13.76	70.50	13.74	S82°13'37"W
C8	65.12	70.50	62.83	N65°43'15"W
C9	35.28	70.50	34.92	N24°55'23"W

FEATURE LEGEND

- 5/8" CAPPED REBAR SET
- PROPERTY CORNER FOUND
- ▲ SECTION CORNER FOUND
- 100.00 DIMENSION OF SURVEY
- (100.00) DIMENSION OF RECORD
- Gas- EXISTING GAS
- Stm- EXISTING STORM SEWER
- San- EXISTING SANITARY SEWER
- Tel- EXISTING TELEPHONE
- Wat- EXISTING WATER
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING TREE



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

WENDELL J. LUPKES, L.S. DATE
License number 12088
My license renewal date is December 31, 2004
Pages or sheets covered by this seal:

SW COR SE1/4, SW1/4
SEC. 20-89-13
"X" CUT ON CONC.

SE COR SW1/4 COR
SEC. 20-89-13
"X" CUT ON CONC.

NO.	DATE	BY	REVISIONS
1	11-20-02	WJL	ADDITIONAL 5' UTILITY EASEMENT (LOTS 1 & 2)
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van winkle-jacob engineering, inc.
1501 technology parkway
cedar falls, iowa - 319-266-5829

MIDWAY BUSINESS PARK, FINAL PLAT
CEDAR FALLS, IOWA
02889

I would like to amend the zoning to lots 5 and 6 in the Midway Business park to allow for another assisted living building. We would be adding a much-needed service to Cedar Falls. Our current location has been a great success and a positive impact in the midway business park.

Luke Moore

COPY

ZONING AGREEMENT

This Agreement is made and entered into this 3th day of December, 1994, by and between R & N Investments, an Iowa Partnership, hereinafter called R & N Investments and the City of Cedar Falls, Iowa, hereinafter called City.

WHEREAS, R & N Investments is requesting a change in zoning for real estate described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 20, Township 89 North, Range 13 West of the 5th P.M. in Cedar Falls, Black Hawk County, Iowa, described as follows: Beginning 180 feet north of the Southeast corner of said Southwest Quarter; thence North $0^{\circ}16'57''$ West 415 feet along the East line of said Southwest Quarter; thence North $89^{\circ}50'$ West along a line parallel to the South line of said Southwest Quarter to the East line of Midway Addition, in the City of Cedar Falls, Black Hawk County, Iowa; thence South $0^{\circ}0'20''$ West to the most Southeasterly corner of Lot 36 in of said Midway Addition; thence South $51^{\circ}36'20''$ West to the most Southerly corner of said Midway Addition; thence South $38^{\circ}23'40''$ East 357.72 feet to the South Quarter; thence North $19^{\circ}30'$ East a distance of 730 feet to the point of beginning.

from the R-1, Residential Zoning District to the R-4, Residential Zoning District, and

WHEREAS, Iowa Code Section 414.5 provides that a City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of the hearing, and

WHEREAS, the City Council has determined that the additional conditions hereinafter provided are necessary to warrant a rezoning of the above described real estate.

NOW, THEREFORE, it is hereby agreed by and between the above named parties that the following conditions are hereby imposed on R & N Investments and the real estate described as follows in addition to the existing regulations governing all real estate included in the R-4, Residential Zoning District. Said conditions are as follows:

1. That a cul-de-sac street will be installed at the east end of Lovejoy Drive where single family residential lots will be established.

2. That the remaining property subject to rezoning east of the Lovejoy Drive cul-de-sac area will be developed solely with professional service office buildings.


3. That prior to the establishment of any uses on the property other than single family residences or professional service office buildings a separate rezoning request shall be submitted to the City for consideration in the normal fashion.

The foregoing conditions shall apply to the above described real estate and shall run with the land.

CITY OF CEDAR FALLS, IOWA



A. Miller Roskamp, Property Owner

By: 

Ed Stachovic, Mayor

ATTEST:



David M. Nordyke, Property Owner



Gary L. Hesse, City Clerk

Preparer Information: Chris Sevy, Planner I, 220 Clay Street. Cedar Falls. IA 50613. (319)273-8600

ZONING AGREEMENT

This Agreement is made and entered into effective on this _____ day of _____, 2022, by and between First Security State Bank, the Community Foundation of Northeast Iowa, and Oak District Assisted Living, LLC (hereinafter the "Owners") and the City of Cedar Falls, Iowa (hereinafter the "City")

WHEREAS, a previous Zoning Agreement was approved by City Resolution No. 9798 on December 12, 1994 (hereinafter the "Previous Agreement"), on property described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 20, Township 89 North, Range 13 West of the 5th P.M. in Cedar Falls, Black Hawk County, Iowa, described as follows; Beginning 180 feet north of the Southeast corner of said Southwest Quarter; thence North 0°16'57" West 415 feet along the East line of said Southwest Quarter; thence North 89°50' West along a line parallel to the South line of said Southwest Quarter to the East line of Midway Addition, in the City of Cedar Falls, Black Hawk County, Iowa; thence South 0°0'20" West to the most Southeasterly corner of Lot 36 in said Midway Addition; thence South 51°36'20" West to the most Southerly corner of said Midway Addition; thence South 38°23'40" East 357.72 feet to the South Quarter; thence North 19°30' East a distance of 730 feet to the point of beginning.

WHEREAS, the above property description contains errors and is not indicative of the property that was originally intended to be rezoned on City records in conjunction with the Previous Agreement; and

WHEREAS, an amendment to the Previous Agreement was approved by City Council Resolution No. 21,212 on August 6, 2018 (hereinafter the "Amendment"), which cited the same property description as in the Previous Agreement and

amended the Previous Agreement to restrict the uses on Lots 7 and 8 of the Midway Business Park to professional offices, nursing homes, and senior assisted living facilities; and

WHEREAS, the Owners of all property intended to be subject to the Previous Agreement are requesting another change to allow nursing homes and assisted living facilities, in addition to professional offices, on Lots 5 & 6 of the Midway Business Park; and

WHEREAS, the City Council finds it in the best interest of the City to rescind the Prior Agreement and the Amendment, to rezone the property described below to R-4, which is the property intended to be rezoned and intended to be subject to the zoning agreement, and to enter into a new zoning agreement that applies to the property described below; and

WHEREAS, Iowa Code 414.5, as amended, provides that a City Council may impose reasonable conditions on granting an applicant's rezoning request, over and above existing regulations, in order to satisfy public needs directly caused by the requested change; and

WHEREAS, Owners all agree that a new Zoning Agreement, to replace the Prior Agreement and the Amendment, be executed which reflects the intent of the Owners and the City to restrict the uses within the business park to ensure compatibility with the adjacent residential neighborhood; and

WHEREAS, All provisions of the Previous Agreement and Amendment, other than the aforementioned use restrictions, have been satisfied.

NOW THEREFORE, it is hereby agreed by and between the above-named parties that:

1. The property subject to this Zoning Agreement is legally described as

MIDWEST BUSINESS PARK, CEDAR FALLS, BLACK HAWK COUNTY, IOWA

2. In addition to the existing regulations governing all real estate included in the R-4, Residential Zoning District, in the City of Cedar Falls, the following condition is hereby imposed on the owners and the real estate described above as follows:
 - a. The development of the Midway Business Park shall be restricted to professional offices, nursing homes, and assisted living facilities only.
3. The foregoing condition and this Zoning Agreement shall inure to the benefit of and shall be binding upon each of the Owners and their respective heirs, personal representatives, successors and assigns, and shall run with the land which comprises Midway Business Park, Cedar Falls, Black Hawk County, Iowa.

- 4. Cedar Falls City Council Resolution No. 9798, dated December 12, 1994, and Resolution No. 21,212 dated August 6, 2018, are hereby rescinded in their entirety and shall have no further effect.

IN WITNESS WHEREOF, the Owners and the City have executed this Zoning Agreement as of the date first stated above.

FIRST SECURITY STATE BANK

By _____

Title _____

STATE OF IOWA, COUNTY OF BLACK HAWK, ss:

This record was acknowledged before me on the _____ day of _____, 2022 by _____, as _____ of First Security State Bank.

Notary Public in and for the State of Iowa

My Commission Expires:

COMMUNITY FOUNDATION OF NORTHEAST IOWA

By _____

Title _____

STATE OF IOWA, COUNTY OF BLACK HAWK, ss:

This record was acknowledged before me on the _____ day of _____, 2022 by _____, as _____ of Community Foundation of Northeast Iowa.

Notary Public in and for the State of Iowa

My Commission Expires:

OAK DISTRICT ASSISTED LIVING, LLC

By _____

Title _____

STATE OF IOWA, COUNTY OF BLACK HAWK, ss:

This record was acknowledged before me on the _____ day of _____, 2022 by _____, as _____ of Oak District Assisted Living, LLC.

Notary Public in and for the State of Iowa

My Commission Expires:

CITY OF CEDAR FALLS, IOWA

By _____
Robert M. Green, Mayor

ATTEST:

Jacqueline Daniels, MMC, City Clerk

DRAFT



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Chris Sevy, Planner I
DATE: December 14, 2022
SUBJECT: Rezone Midway 2nd Addition

REQUEST: Rezone from R-4 to R-1

PETITIONER: City of Cedar Falls

LOCATION: Lots 1-4 of Midway 2nd Addition (3019-3028 Lovejoy Dr) (RZ22-005)

PROPOSAL

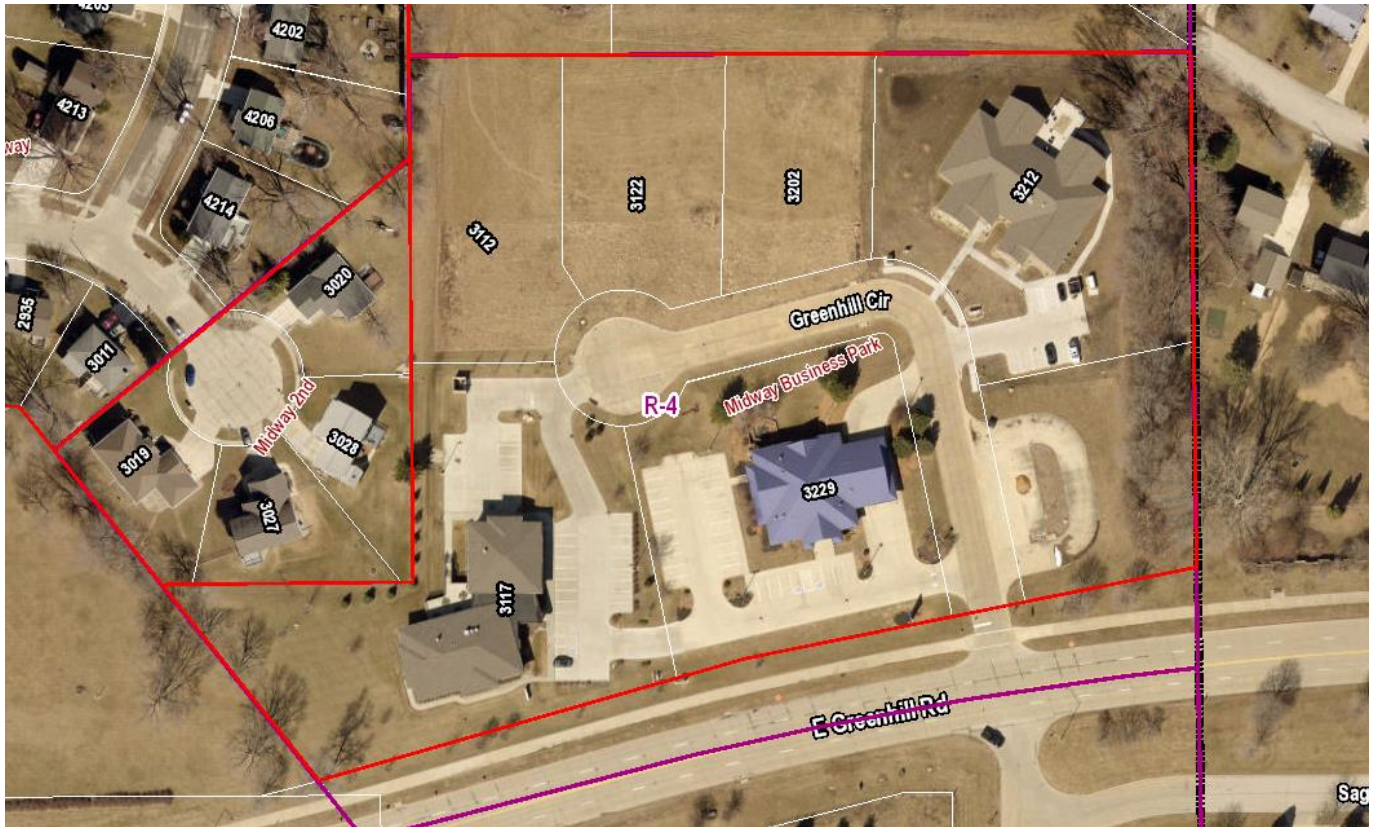
The zoning agreement that restricts the use of these lots to single family in the R-4 District is in the process of being rescinded and replaced as errors were discovered in the legal description while updating the restrictions in that agreement. The agreement has served its purpose in the establishment of single-family uses, and it makes more sense at this time to regulate these lots the same as the rest of the residential neighborhood. To ensure that the use of these lots remains consistent with the residential neighborhood, staff proposes that they be rezoned from R-4 to R-1.

BACKGROUND

The origin of this request is from a proposed amendment to the zoning agreement which came before the Planning and Zoning Commission on September 14, 2022 (introduction and setting of public hearing) and September 28, 2022 (public hearing). However, in preparing an amendment to the zoning agreement it was discovered that there was an error in the legal description included in the original zoning agreement from 1994 so it did not accurately describe the same properties that were rezoned to R-4 at the time. Since this error nullifies the agreement and any subsequent amendments, it is best to rescind the original agreement and draft a new one that includes the conditions that remain relevant today, specifically the use restrictions in the Midway Business Park.

The other two conditions of the original 1994 agreement have already been accomplished. Namely, Lovejoy Drive ends in a cul-de-sac, and four single family homes have been constructed on the four lots at the end of Lovejoy. This effectively separates the residential

neighborhood from the Midway Business Park, so no commercial traffic can flow through the neighborhood (see aerial image below).



The four residential properties at the end of Lovejoy Drive are currently zoned R-4, High Density Residential. To ensure that multifamily and non-residential uses are not established in that single-family neighborhood counter to the intent of the original agreement (however unlikely), staff is recommending rezoning these properties to R-1 to be consistent with the rest of the residential neighborhood. Staff has reached out to these property owners to explain the situation and discuss rezoning their properties to R-1.

ANALYSIS

By virtue of the errors in the legal description of the original zoning agreement, the enforceability of that agreement is in question. The city is in the process of rescinding and replacing the agreement which leaves two options:

1. Include the residences in the new zoning agreement and continue to regulate the residences in that way, or
2. Rezone the residences to R-1 and regulate them the same as the adjacent homes in the neighborhood, which is zoned R-1.

Since, for some time these have not been considered part of the Midway Business Park but an addition to the Midway Subdivision, the latter option appears to be more appropriate. Also, rezoning to R-1 better defines the rights of the property owners.

Worth noting is that there are platted 20-foot front setbacks that will continue to apply to these properties. All other aspects of R-1 District standards will apply.

MINIMUM CRITERIA FOR REZONE

The following criteria are the minimum consideration for a rezone:

1) *Is the rezoning request consistent with the Future Land Use Map and the Comprehensive Plan?*

Yes, these residences are slated for Low Density Residential on the Future Land Use Map

2) *Is the property readily accessible to sanitary sewer service?*

Yes, these are developed lots and each residence is connected to utilities.

3) *Does the property have adequate roadway access?*

Yes, the lots are on a cul-de-sac at the end of Lovejoy Drive.

Notice was mailed to the adjoining property owners on September 6, 2022 regarding the zoning agreement amendment. Additional notice was mailed on November 4, 2022 regarding the change of course to rescind and replace the agreement. Lastly, notice was mailed on November 16th, 2022 regarding this rezone from R-4 to R-1.

Notice of public hearing regarding these rezone considerations was published in the WCF Courier on December 7, 2022.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of a rezoning of the subject properties from R-4 to R-1.

PLANNING & ZONING COMMISSION

Introduction
11/22/2022

The next item for consideration a rezoning request for Lots 1-4 of Midway 2nd Addition. Acting Chair Hartley introduced the item and Mr. Sevy provided background information. He explained that Lots 1-4 were part of the original agreement discussed in the previous item. One of the stipulations was that both streets would end in a cul-de-sac and these lots would be restricted to residential uses and be zoned R-4. Because R-4 has several other uses that are not considered residential, the zoning would need to be changed to R-1 for these lots so as to be regulated the same as the other residential parcels in the neighborhood. Staff recommends setting a public hearing to consider rezoning the subject properties from R-4 to R-1.

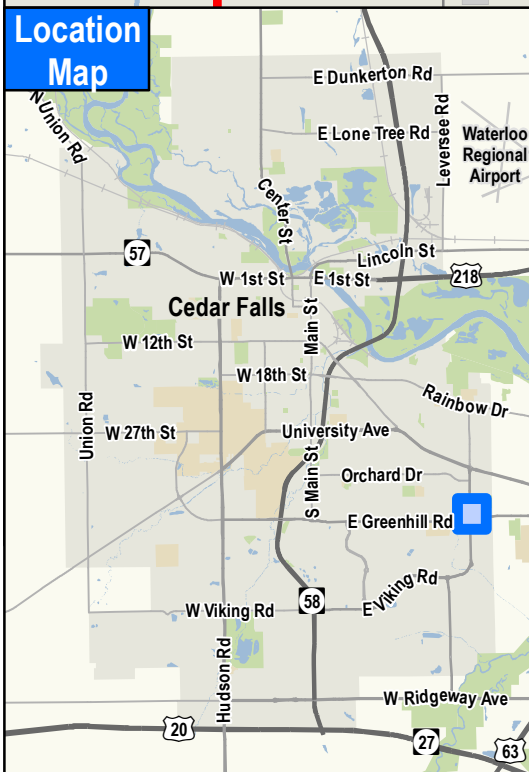
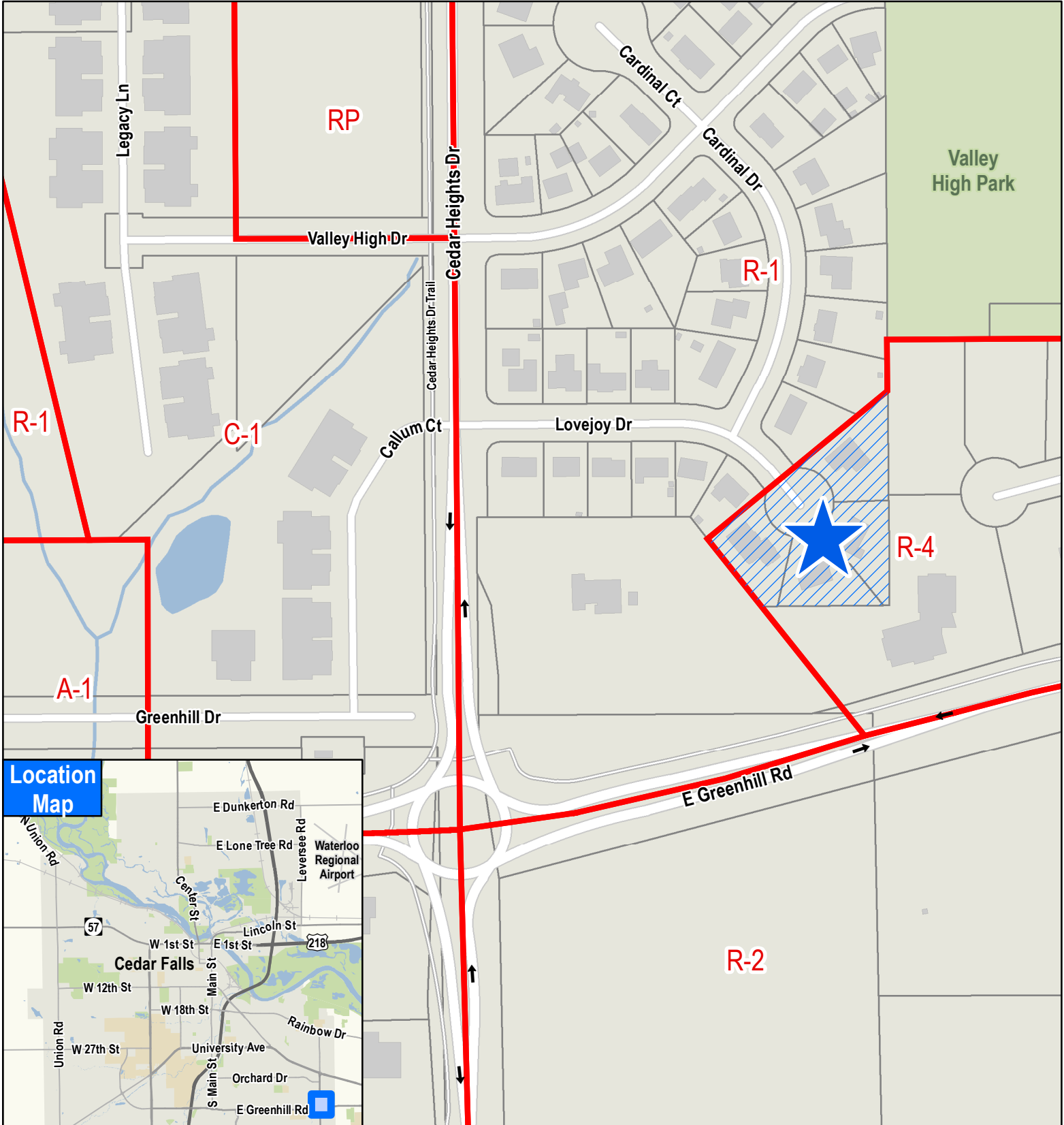
Mr. Larson thanked the developer for bringing a great project to the area and apologized for any unplanned delays.

Mr. Larson made a motion to move the item to public hearing. Ms. Moser seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Larson and Moser), and 0 nays.

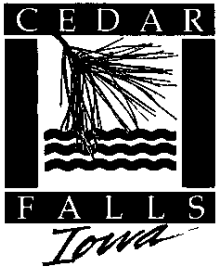
Attachments: Location map

Cedar Falls Planning and Zoning Commission November 22, 2022

Item 3.



Rezone from R-4 to R-1
Lots 1 through 4, Midway 2nd Addition
3019, 3020, 3027, 3028 Lovejoy Dr.



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Michelle Pezley, Planner III
DATE: December 14, 2022
SUBJECT: Site Plan Review for Triplex on Lot 4, Hanna Park (Case # SP22-012)

REQUEST: Site Plan Approval for construction of a new tri-plex in C-1 District

PETITIONER: Kyle Larson, LGC; Lary Koosmann EI, LSI, Clapsaddle-Garber Associates, Inc

LOCATION: Southwest of the intersection of Valley High Dr. and Cedar Heights Dr.

PROPOSAL

The applicant proposes to construct a one-story, tri-plex on Lot 4 of Hanna Park Commercial Addition. The property is located on Valley High Drive west of Cedar Heights Drive. Each unit will consist of three bedrooms, two bathrooms, and a three-car garage.

BACKGROUND

The property is zoned C-1 Commercial. Within the C-1 Zoning district, residential uses are subject to review by the Planning and Zoning Commission and approval by the City Council.

The Future Land Use map shows this property area as Medium Density Residential.

The parcel is also within the 500-year flood plain.

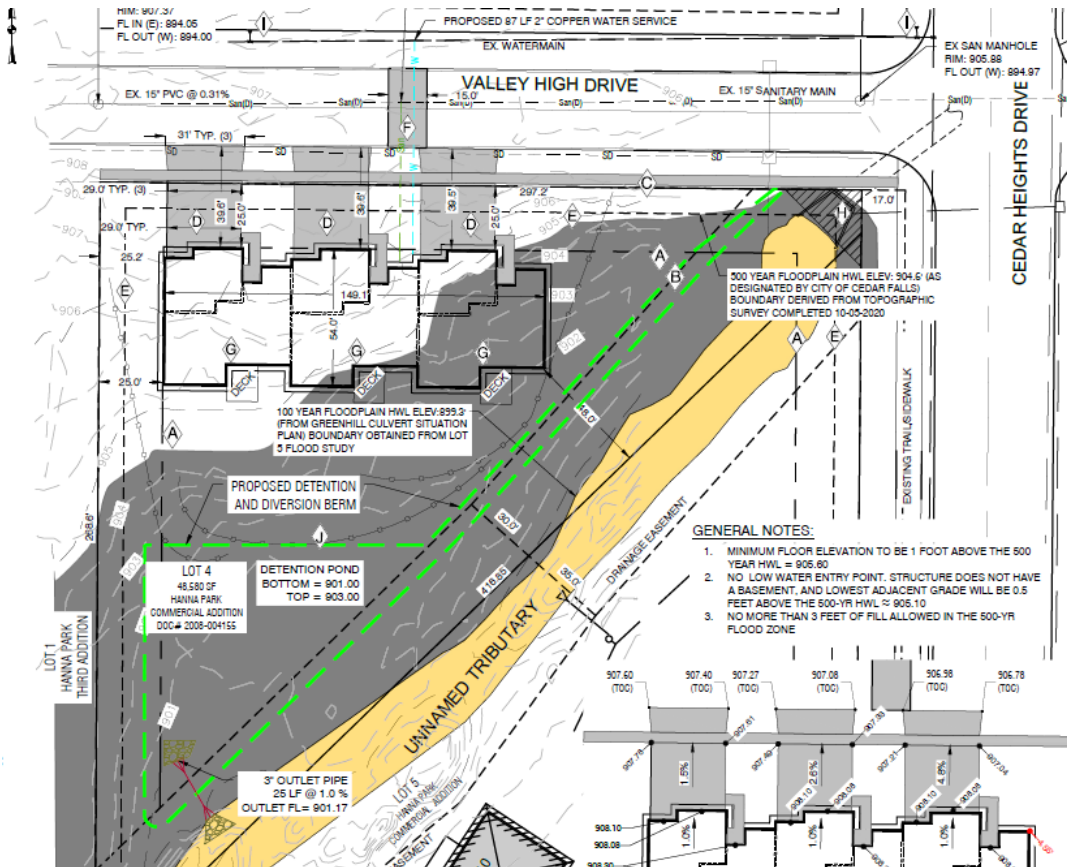


ANALYSIS

C-1 Zoning District is intended to provide opportunities for commercial uses next to residential districts that meet the needs of the local residents. C-1 Zoning District requires a site plan review for all residential uses to make sure that the residential uses are appropriate to the surrounding residential uses and existing commercial uses. The proposed residential use must be in conformance with the standards of the comprehensive plan and recognized principles of civic design, land use planning, and landscape architecture.

Building design shall be of an appropriate architectural design and utilize similar building materials compared to similar residential facilities in residential zoning districts. Minimum required building and parking lot setbacks shall generally conform to those requirements specified in the R-4 district. However, these standards may be modified by the city council in consideration of special circumstances of the property in question. Lot area and density standards shall generally conform to standards outlined in the R-4 district.

Following is a review of the zoning ordinance requirements for the proposed development:

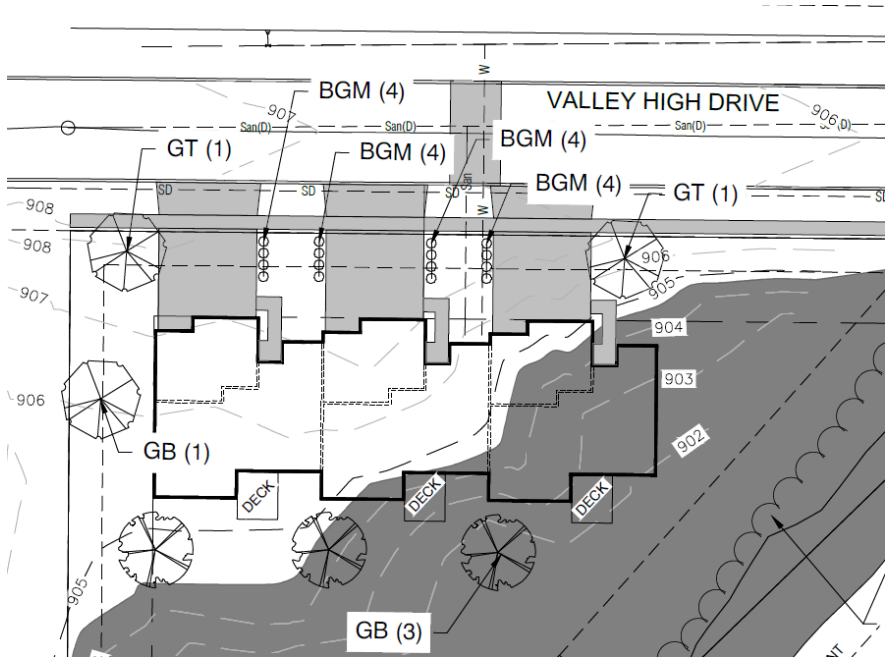


- 1) Use: The Future Land Use map shows this property area as Medium Density Residential. Residential uses are allowed within the C-1 Zoning District if the use is in conformance to the Comprehensive Plan. The Residential uses are subject to review by the Planning and Zoning District and approval from City Council.
- 2) Setbacks: C-1 Zoning District designates the setbacks residential uses to follow the R-4 Zoning District.

The Hanna Park Commercial Addition Plat shows a 25-foot setback from the front and the western property line. The applicant proposes to maintain the setbacks as shown on the plat. Building setbacks are satisfied.

- 3) Parking: The code requires two parking spaces per unit plus one space for each additional bedroom over two bedrooms, which in this case is three parking spaces. The applicant proposes three car garage for each unit and three spaces within the driveways that will be at least 31 feet wide by 25 feet long. The amount and dimension of the parking spaces comply.

- 4) Landscaping: For residential uses in the C-1 District, amenities appropriate for residential uses such as open green space, landscaping, and outdoor recreation areas must be provided generally consistent with other similar residential developments. The applicant proposes shrubs along the driveways (Green Mountain Boxwoods) and six trees (Autumn Gold Ginkgo and Skyline Honey Locust). The rest of the area will be grass or native vegetation along the unnamed tributary. The landscaping will fit in well with the surrounding residential neighborhood.



- 5) **Building Design:** The applicant proposes the tri-plex to be single story modern design. All the garage doors will face the street with the front doors setback from the



front plane of the garages. This development design will fit into the existing neighborhood as most of the existing garages are closer to the street than the front doors.

- 6) **Lighting:** The C-1 Zoning District does not have specific lighting design guidelines. However, all new site plans require a review of the lighting to consider potential nuisance issues and incompatibilities. The applicant proposes lighting over the front door to make sure the walkway is visible. Lighting is acceptable.
- 7) **Signage:** Signage shall be limited and of a size, height and scale normally allowed in residential neighborhoods. No signage proposed.
- 8) **Storm Water Management:** The applicant proposes to have an on-site detention pond and diversion berm adjacent to the unknown tributary that meets the stormwater quality and detention requirements. Prior to construction, a City SWPPP permit will need to be obtained to ensure that erosion controls are placed properly. Criterion is met, subject to final engineering review prior to issuance of a building permit.

TECHNICAL COMMENTS

Cedar Falls Utilities (CFU) has reviewed the proposed plans for the Triplex at Hanna Park. Water, electric, gas, and communications utility services are available in accordance with the service policies of CFU. Water is available from an 8" water main along the north side of Valley High Drive and gas is available from a gas main along the south side of Valley High Drive. The 3-Plex Site Plan shows a 2" copper water service and a 6" sanitary sewer service installed into the center unit of the 3-plex. These services need to be designed to meet current plumbing standards/codes for services to the 3-plex. This is for developer information and for city plumbing code enforcement information.

Removal and replacement of the trees or any other landscaping located within these areas that may be disturbed by utility maintenance, repair, or replacement is the responsibility of the property owner.

Any other minor technical issues will be addressed at the time of a building plan review.

A courtesy notice to surrounding property owners was mailed on November 15, 2022.

STAFF RECOMMENDATION

Staff recommends approval of SP22-012, a residential site plan within the C-1 Zoning District for property located at Lot 4 of Hanna Park Commercial Addition, subject to:

- 1) Any comments or direction specified by the Planning & Zoning Commission.
- 2) Conformance with all staff recommendations and technical requirements.
- 3) Construction of the proposed residential development must commence (i.e., city building permits secured) within one year following city council approval, or the original approval shall be void and the application shall be resubmitted to the planning and zoning commission and the city council, to review any changes in local conditions.

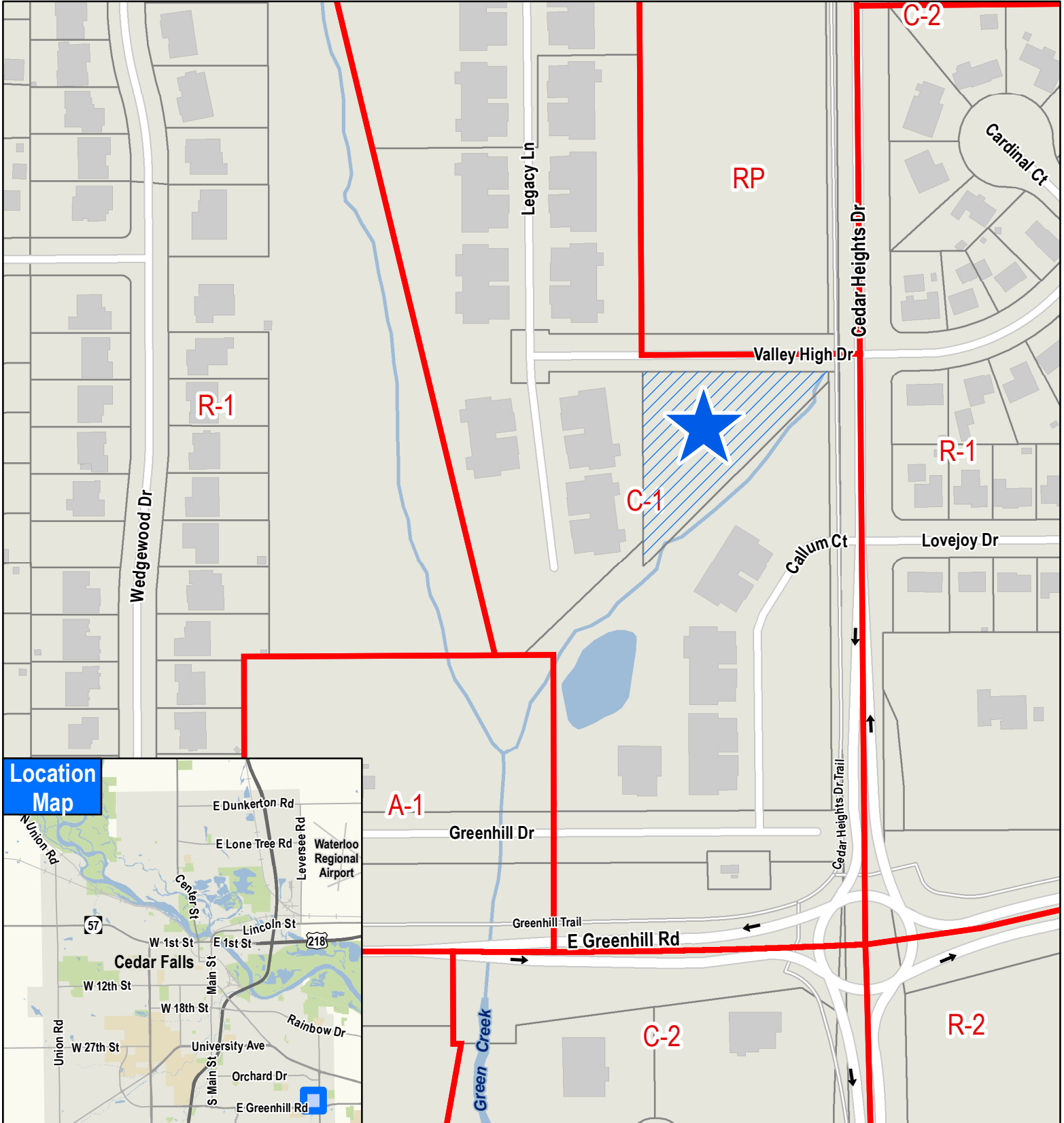
PLANNING & ZONING COMMISSION

Introduction The Commission then considered a site plan review for a tri-plex on Lot 4 of Hanna
Discussion Park Commercial Addition. Mr. Weintraut stated that this item on agenda cannot be
11/22/2022 discussed as Mr. Larson will be recusing himself from this discussion because of a
 conflict of interest. And thereafter the commission does not have a quorum to discuss
 the item. In such a case, this item will be automatically deferred to the next Planning
 and Zoning meeting. Mr. Weintraut also apologized to public attendees who were
 here to make comments on the item. Acting Chair Hartley mentioned that this item
 will be now introduced and discussed in the next available Planning and Zoning
 meeting and apologized to the public attendees.

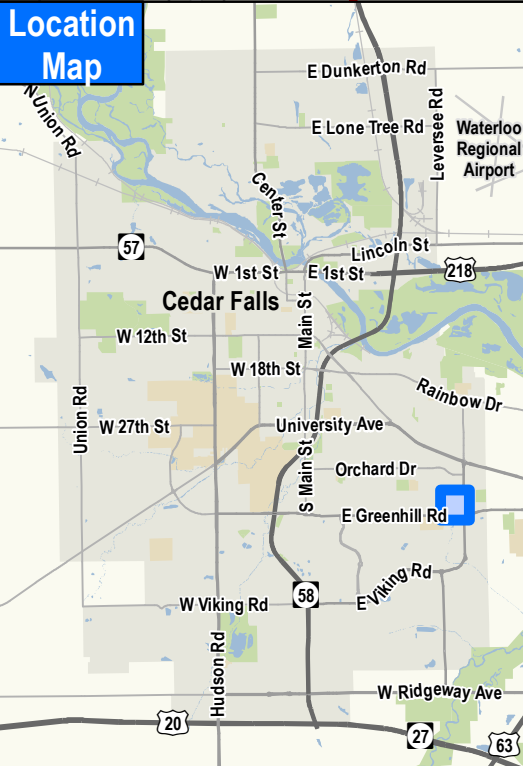
Attachments: Location Map
 Complete Site Plan Set
 Building Elevations

Cedar Falls Planning and Zoning Commission November 22, 2022

Item 4.



Location Map



**Site Plan review for a new Triplex
Lot 4, Hanna Park Commercial Add.
SW corner of Valley High & Cedar Heights Dr**

SINGLE STORY 3-PLEX SITE PLAN

LOT 4, HANNA PARK COMMERCIAL ADDITION

CEDAR FALLS, IOWA

OWNER

LG COMPANIES

DEVELOPER

LGC HOMES
5601 UNIVERSITY AVE.
CEDAR FALLS, IA 50613
319-266-6609

ZONING

C-1 - NEIGHBORHOOD COMMERCIAL

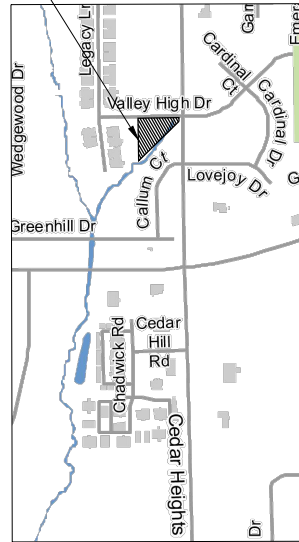
PARKING SPACES (EACH UNIT)

REQUIRED: 2.5
PROVIDED: 3

IMPERVIOUS AREAS

LOT = 9424 sf
ROW = 2133 sf

PROJECT LOCATION



VICINITY MAP

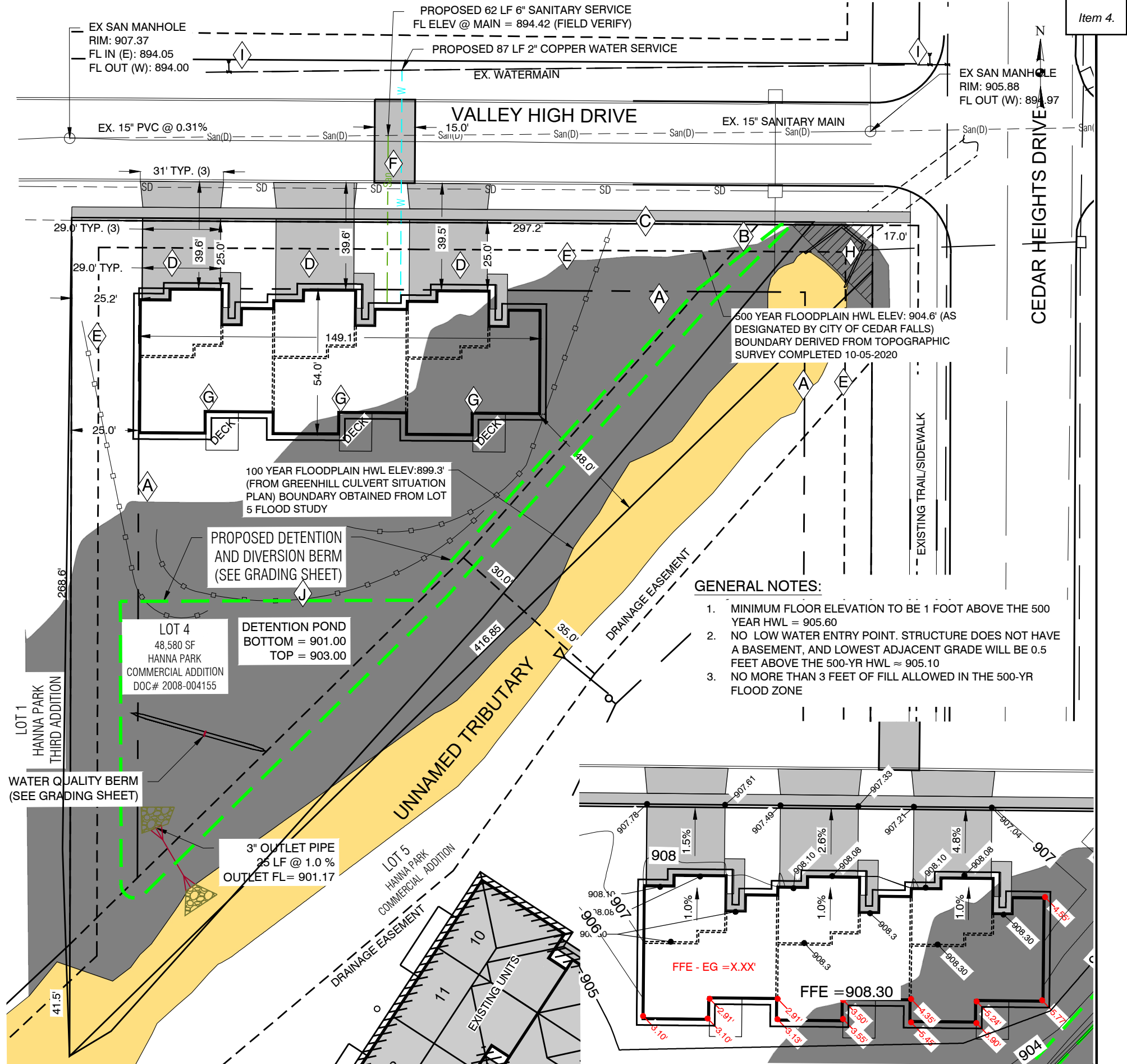
NOT TO SCALE

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
EX.01	SITE PLAN
EX.02	GRADING PLAN
EX.03	LANDSCAPE PLAN

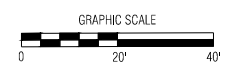
SITE NOTES:

- A** 25' BUILDING SETBACK LINE
- B** DRAINAGE EASEMENT AND SETBACK LINE
- C** 4' WIDE PCC SIDEWALK
- D** PROPOSED PCC DRIVEWAY
- E** 10' UTILITY EASEMENT
- F** PROPOSED 15' X 31' PCC PATCH
- G** PROPOSED BUILDING UNIT
- H** 30' CLEAR SIGHT ZONE
- I** EXISTING FIRE HYDRANT
- J** 450 LF ± SILT FENCE



GENERAL NOTES:

- MINIMUM FLOOR ELEVATION TO BE 1 FOOT ABOVE THE 500 YEAR HWL = 905.60
- NO LOW WATER ENTRY POINT. STRUCTURE DOES NOT HAVE A BASEMENT, AND LOWEST ADJACENT GRADE WILL BE 0.5 FEET ABOVE THE 500-YR HWL ≈ 905.10
- NO MORE THAN 3 FEET OF FILL ALLOWED IN THE 500-YR FLOOD ZONE



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-6256
www.cgaconsultants.com

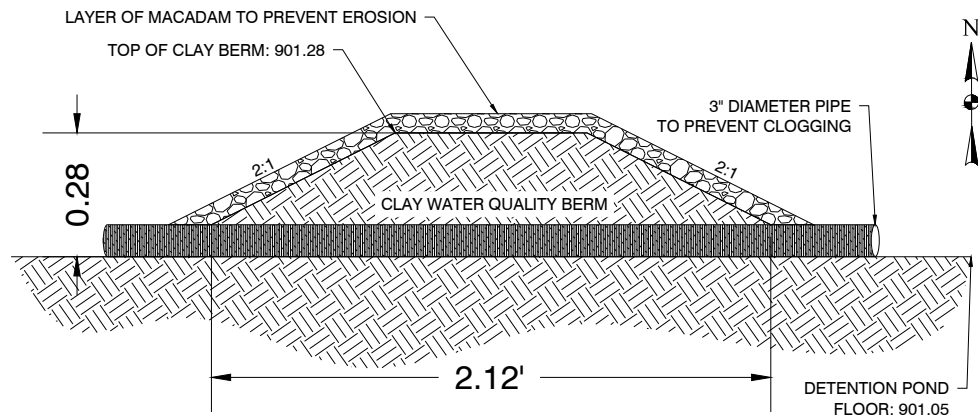
DESIGNED: #### DATE: ####
DRAWN: #### DATE: ####
CHECKED: #### DATE: ####
APPROVED: #### DATE: ####

HANNA PARK LOT 4

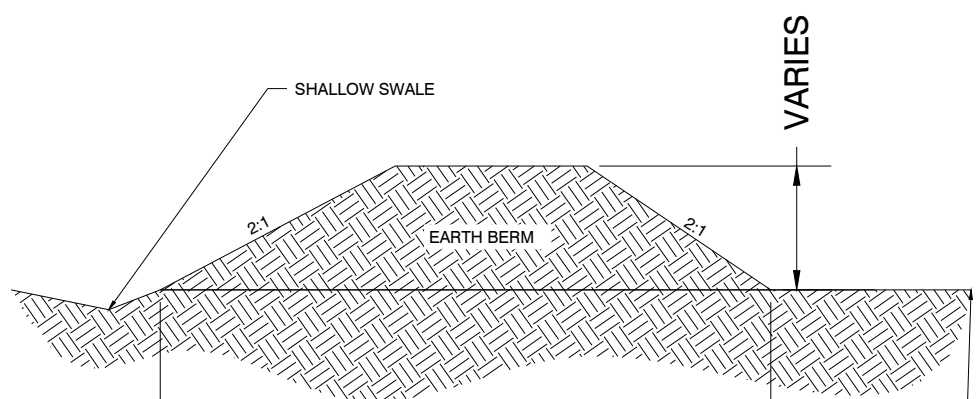
CEDAR FALLS, IOWA

3-PLEX SITE PLAN

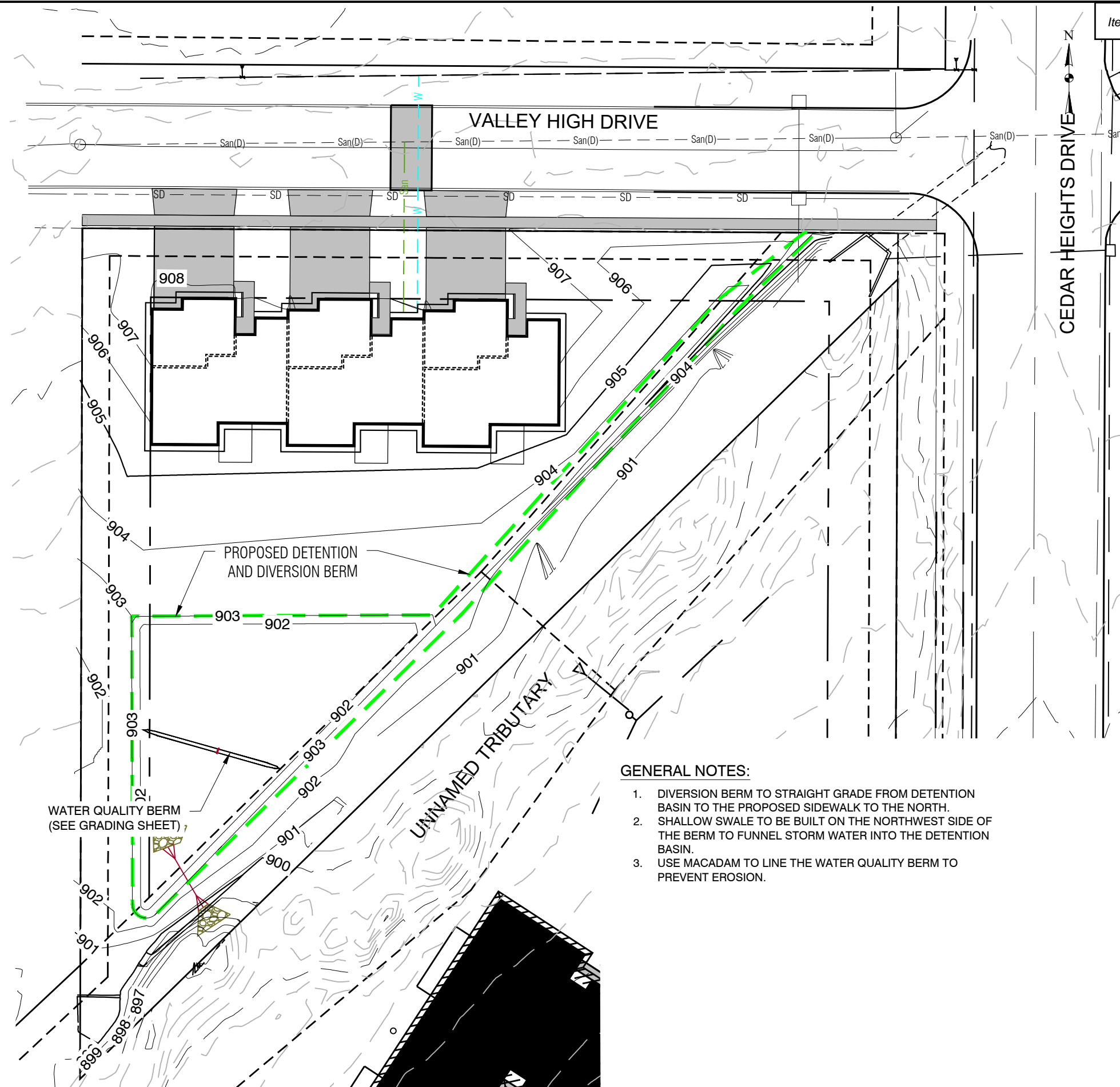
PROJECT NO. 5656
SHEET NO. EX.01



WATER QUALITY BERM
NTS



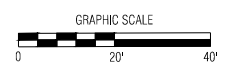
DIVERSION BERM DETAIL
NTS



GENERAL NOTES:

1. DIVERSION BERM TO STRAIGHT GRADE FROM DETENTION BASIN TO THE PROPOSED SIDEWALK TO THE NORTH.
2. SHALLOW SWALE TO BE BUILT ON THE NORTHWEST SIDE OF THE BERM TO FUNNEL STORM WATER INTO THE DETENTION BASIN.
3. USE MACADAM TO LINE THE WATER QUALITY BERM TO PREVENT EROSION.

J:\6560.dwg\Embills\5656_Lot 4 Site Plan 3plex 11/01/22.dwg - ex.02 - 11-01-22 - 3:25pm - Hoosmann



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-9258
www.cgaconsultants.com

DESIGNED: #### DATE: ####
DRAWN: #### DATE: ####
CHECKED: #### DATE: ####
APPROVED: #### DATE: ####

HANNA PARK LOT 4
CEDAR FALLS, IOWA

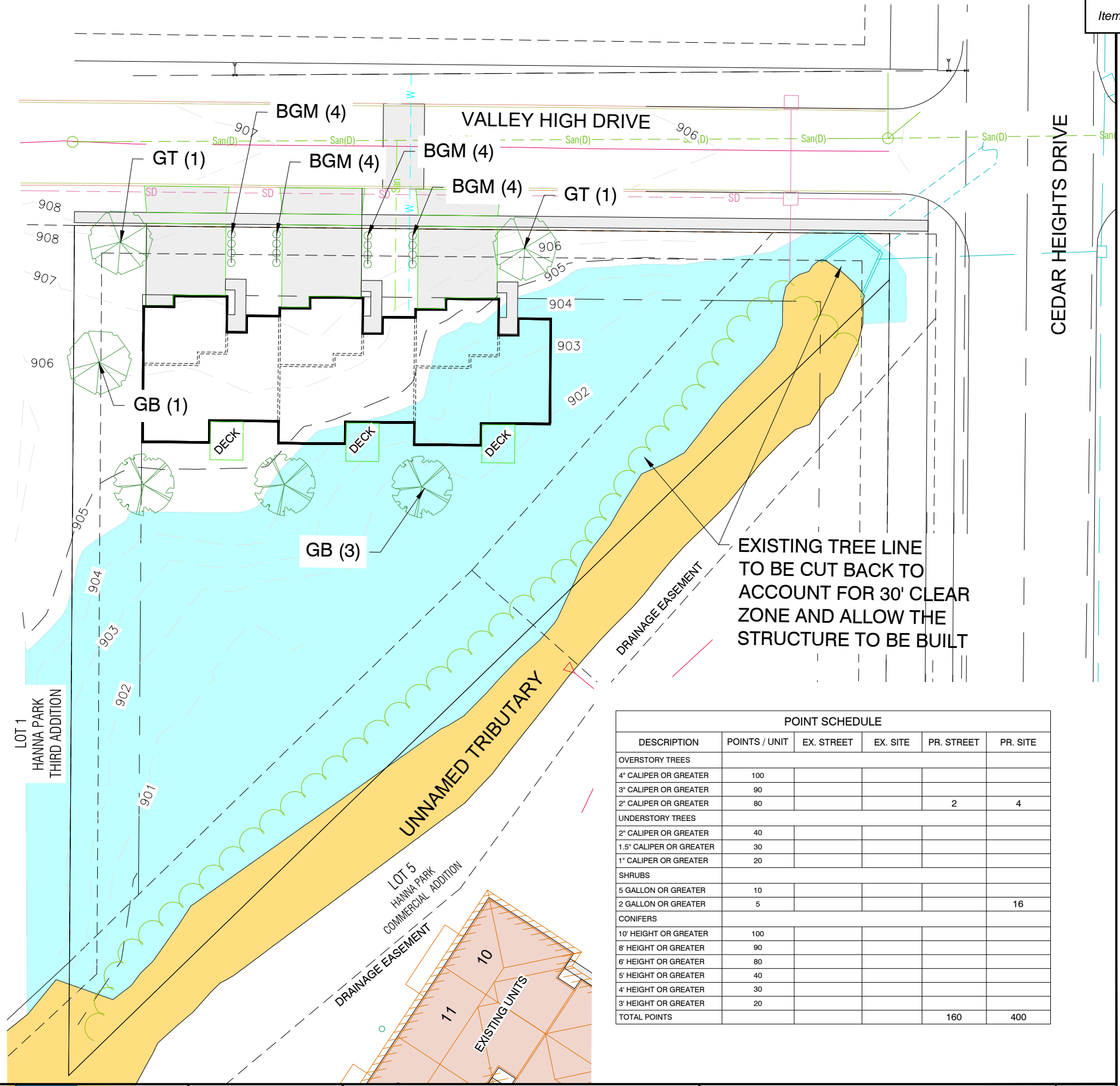
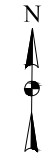
3-PLEX GRADING PLAN

PROJECT NO. 5656
SHEET NO. EX.02

LANDSCAPE NOTES:

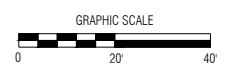
1. PLANT QUANTITIES ARE FOR INFORMATION ONLY; DRAWING SHALL PREVAIL IF CONFLICT OCCURS. CONTRACTOR IS RESPONSIBLE FOR CALCULATING OWN QUANTITIES AND BASING BID ACCORDINGLY.
2. CONTRACTOR SHALL PLACE SHREDDED HARDWOOD BARK MULCH AROUND ALL TREES AND IN ALL PLANTING BEDS TO A DEPTH OF 3". WALNUT PRODUCTS ARE PROHIBITED.
3. KIND, SIZE AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, ANSI 260-2004, OR MOST RECENT EDITION.
4. THE CONTRACTOR SHALL REPORT SUBSURFACE SOIL OR DRAINAGE PROBLEMS TO THE ENGINEER.
5. THE CONTRACTOR SHALL SHOW PROOF OF PROCUREMENT, SOURCES, QUANTITIES AND VARIETIES FOR ALL SHRUBS, PERENNIALS, ORNAMENTAL GRASSES WITHIN 21 DAYS FOLLOWING THE AWARD OF CONTRACT. TIMELY PROCUREMENT OF ALL PLANT MATERIAL IS ESSENTIAL TO THE SUCCESSFUL COMPLETION AND INITIAL ACCEPTANCE OF THE PROJECT.
6. SUBSTITUTIONS SHALL ONLY BE ALLOWED WHEN THE CONTRACTOR HAS EXHAUSTED ALL SOURCES FOR THE SPECIFIED MATERIAL, AND HAS PROVEN THAT THE SPECIFIED MATERIAL IS NOT AVAILABLE. THE CONTRACTOR MUST PROVIDE NAME AND VARIETY OF SUBSTITUTION TO THE ENGINEER FOR APPROVAL PRIOR TO TAGGING OR PLANTING. SUBSTITUTIONS SHALL BE NEAREST EQUIVALENT SIZE OF VARIETY OF PLANT HAVING SAME ESSENTIAL CHARACTERISTICS.
7. ALL PLANT MATERIAL SHALL BE NURSERY GROWN, SOUND, HEALTHY, VIGOROUS AND FREE FROM INSECTS, DISEASE AND INJURIES, WITH HABIT OF GROWTH THAT IS NORMAL FOR THE SPECIES. SIZES SHALL BE EQUAL TO OR EXCEEDING SIZES INDICATED ON THE PLANT SCHEDULE. THE CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITY AS SHOWN ON DRAWINGS. TAKE OR PLACE ALL PLANTS IN FIELD AS INDICATED ON THE DRAWINGS OR AS DIRECTED BY THE ENGINEER FOR APPROVAL BY THE OWNER PRIOR TO PLANTING.
8. ALL DISTURBED AREAS NOT OTHERWISE COVERED BY BUILDING, PAVEMENT, AND LANDSCAPE BEDS SHALL BE SODDED WITH TYPE 1 LAWN MIXTURE AS APPROVED BY THE OWNER.

PLANT SCHEDULE				
KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE
Deciduous Overstory Trees				
GB	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	4	1" Container or 2" BB
GT	Gleditsia triacanthos 'skyline'	Skyline HoneyLocust	4	2.5" Caliber
Shrubs				
BGM	Buxus x 'Green Mountain'	Green Mountain Boxwood	16	3.5" POT



EXISTING TREE LINE TO BE CUT BACK TO ACCOUNT FOR 30' CLEAR ZONE AND ALLOW THE STRUCTURE TO BE BUILT

POINT SCHEDULE					
DESCRIPTION	POINTS / UNIT	EX. STREET	EX. SITE	PR. STREET	PR. SITE
OVERSTORY TREES					
4" CALIPER OR GREATER	100				
3" CALIPER OR GREATER	90				
2" CALIPER OR GREATER	80			2	4
UNDERSTORY TREES					
2" CALIPER OR GREATER	40				
1.5" CALIPER OR GREATER	30				
1" CALIPER OR GREATER	20				
SHRUBS					
5 GALLON OR GREATER	10				
2 GALLON OR GREATER	5				16
CONIFERS					
10' HEIGHT OR GREATER	100				
8' HEIGHT OR GREATER	90				
6' HEIGHT OR GREATER	80				
5' HEIGHT OR GREATER	40				
4' HEIGHT OR GREATER	30				
3' HEIGHT OR GREATER	20				
TOTAL POINTS				160	400



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA Clapsaddle-Garber Associates, Inc.
 5106 Nordic Drive
 Cedar Falls, Iowa 50613
 Ph 319-266-9256
 www.cgaconsultants.com

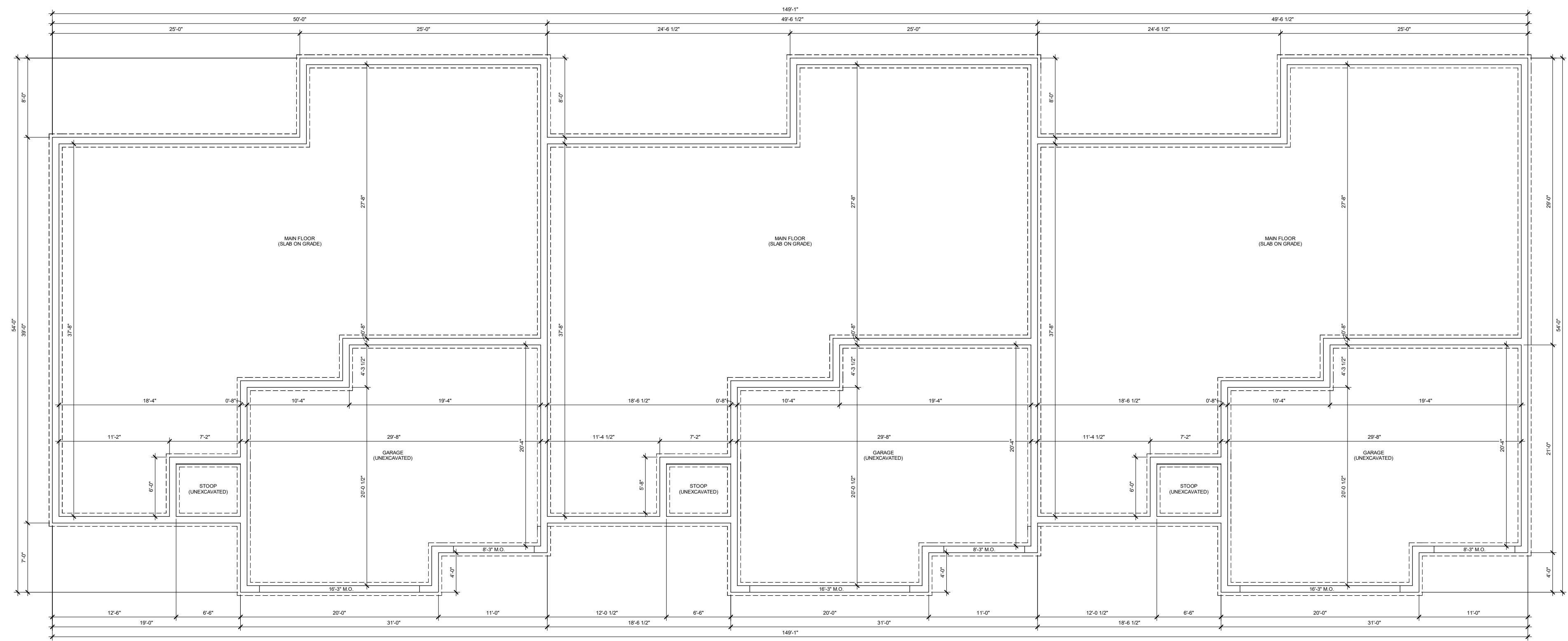
DESIGNED: _____ DATE: _____
 DRAWN: KNW DATE: 11-25-20
 CHECKED: _____ DATE: _____
 APPROVED: _____ DATE: _____

HANNA PARK LOT 4
 CEDAR FALLS, IOWA

3-PLEX LANDSCAPE PLAN

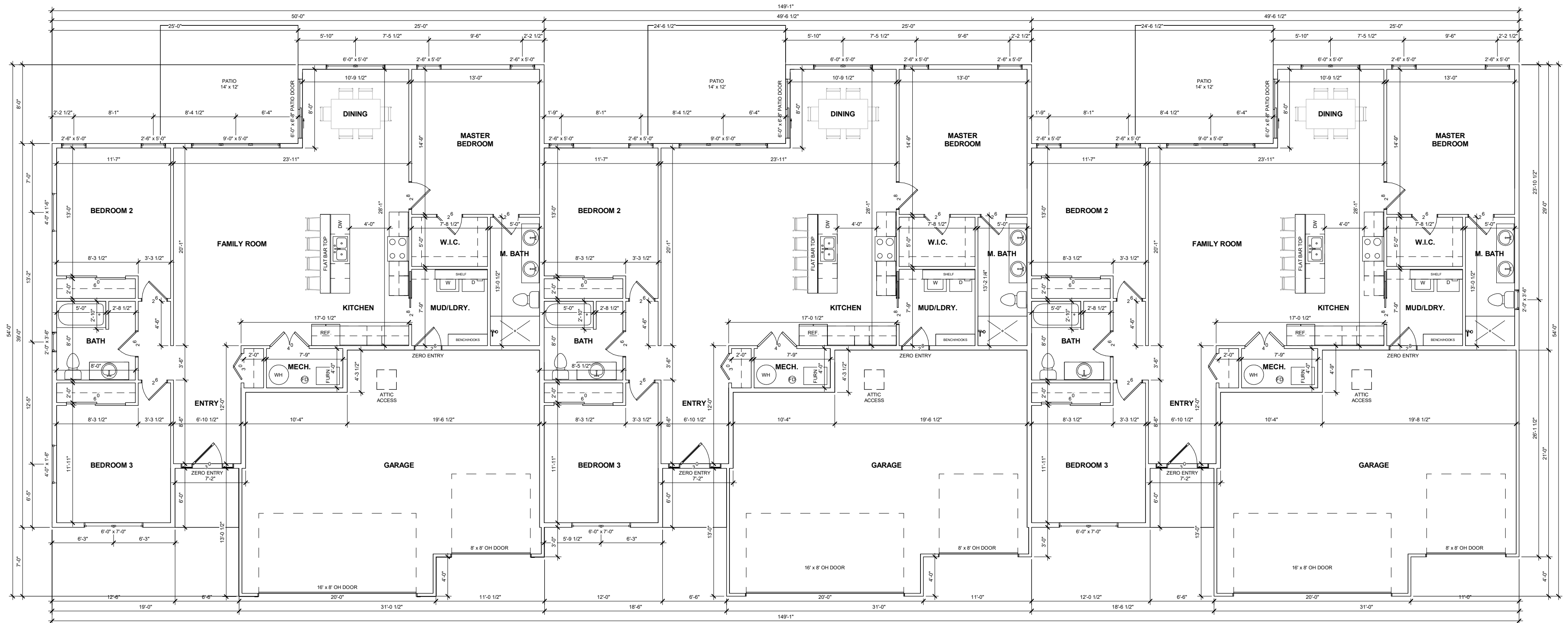
J:\5656.dwg\Exhibits\5656_Lot 4 Landscape Plan 3plex 09112022.dwg - Lot 4 Exhibit - 11-01-22 - 3:10pm - Mroosnam





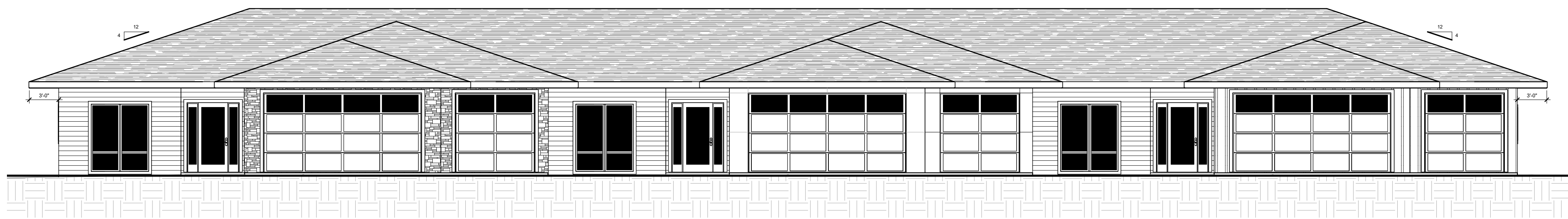
FOOTING/FOUNDATION FLOOR PLAN

1/8" = 1'-0"

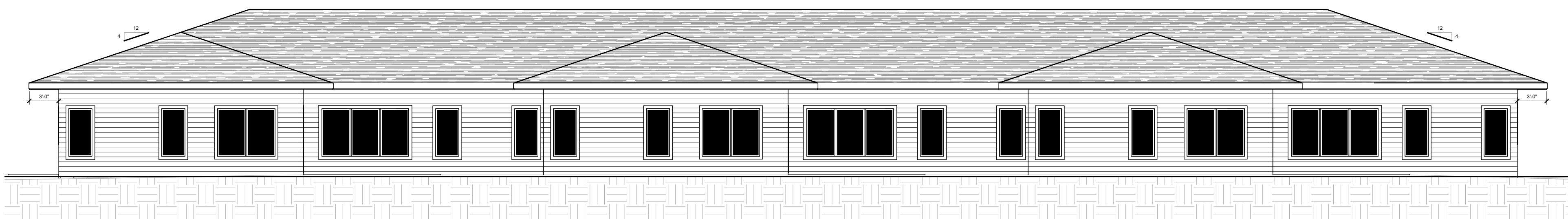


MAIN FLOOR PLAN

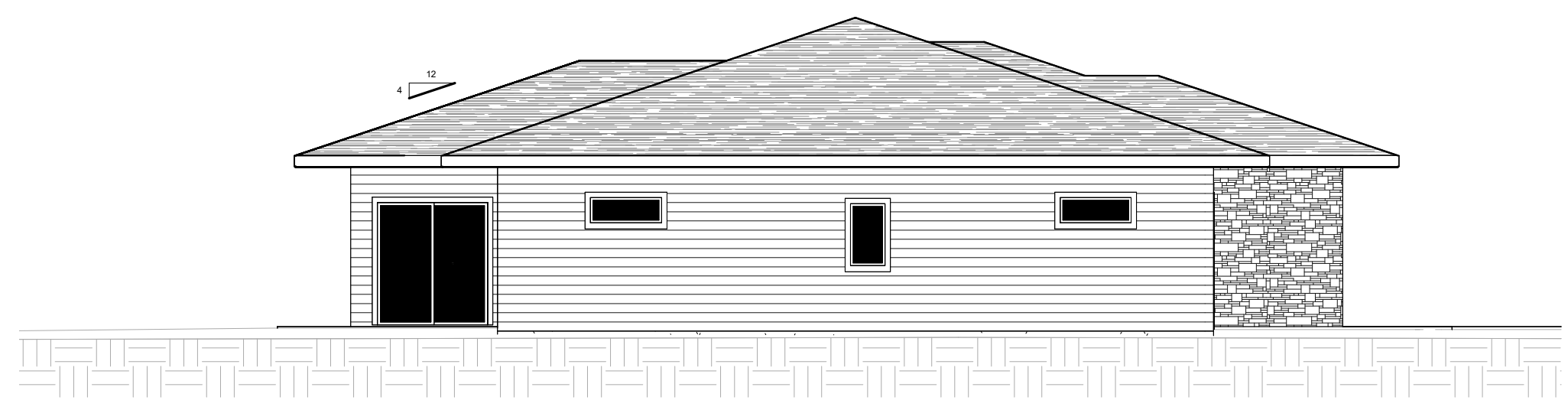
1/8" = 1'-0"



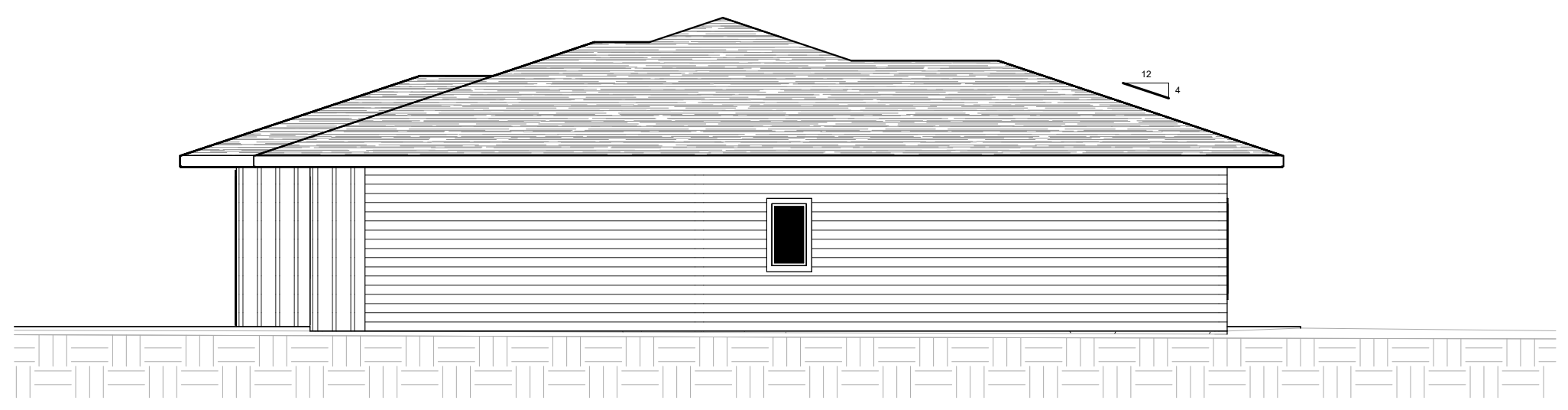
FRONT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"



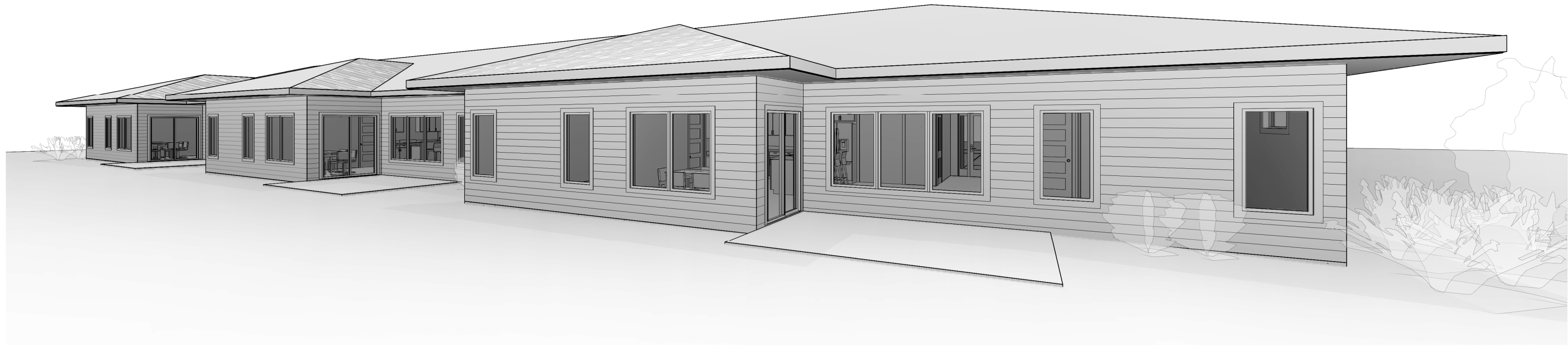
LEFT ELEVATION
1/8" = 1'-0"



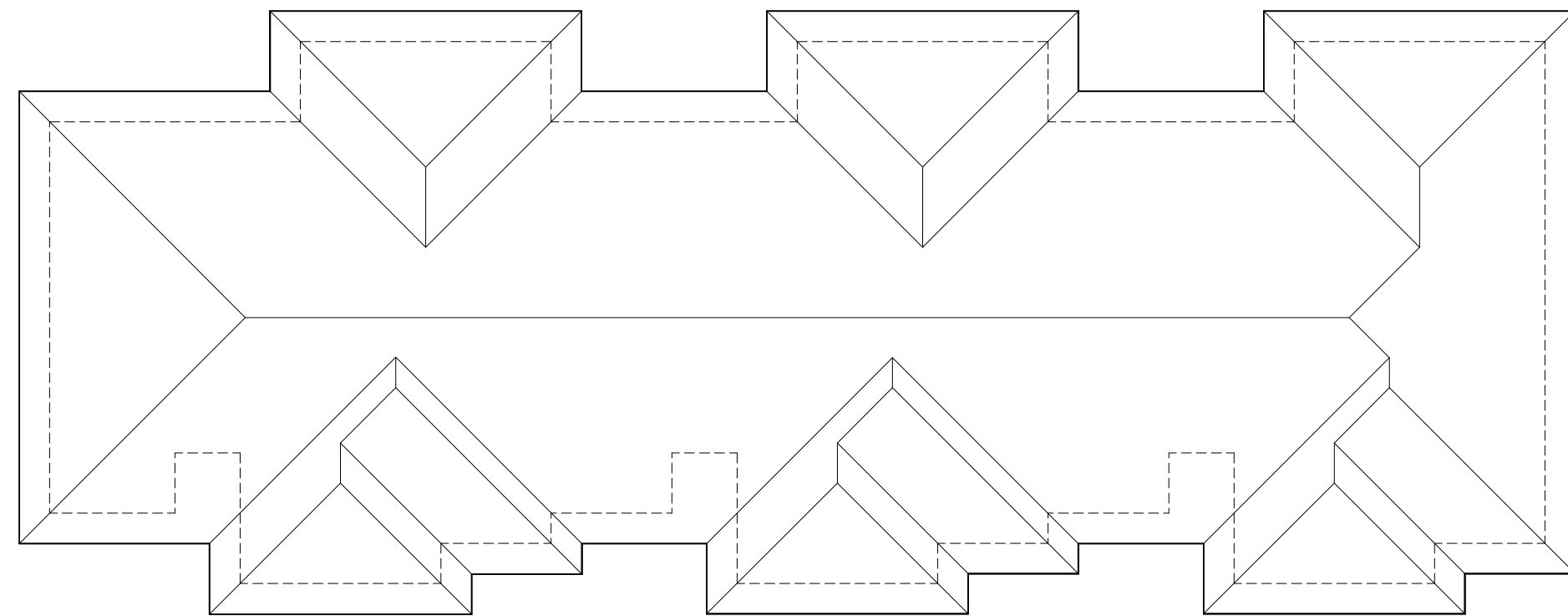
RIGHT ELEVATION
1/8" = 1'-0"



FRONT/LEFT PERSPECTIVE VIEW

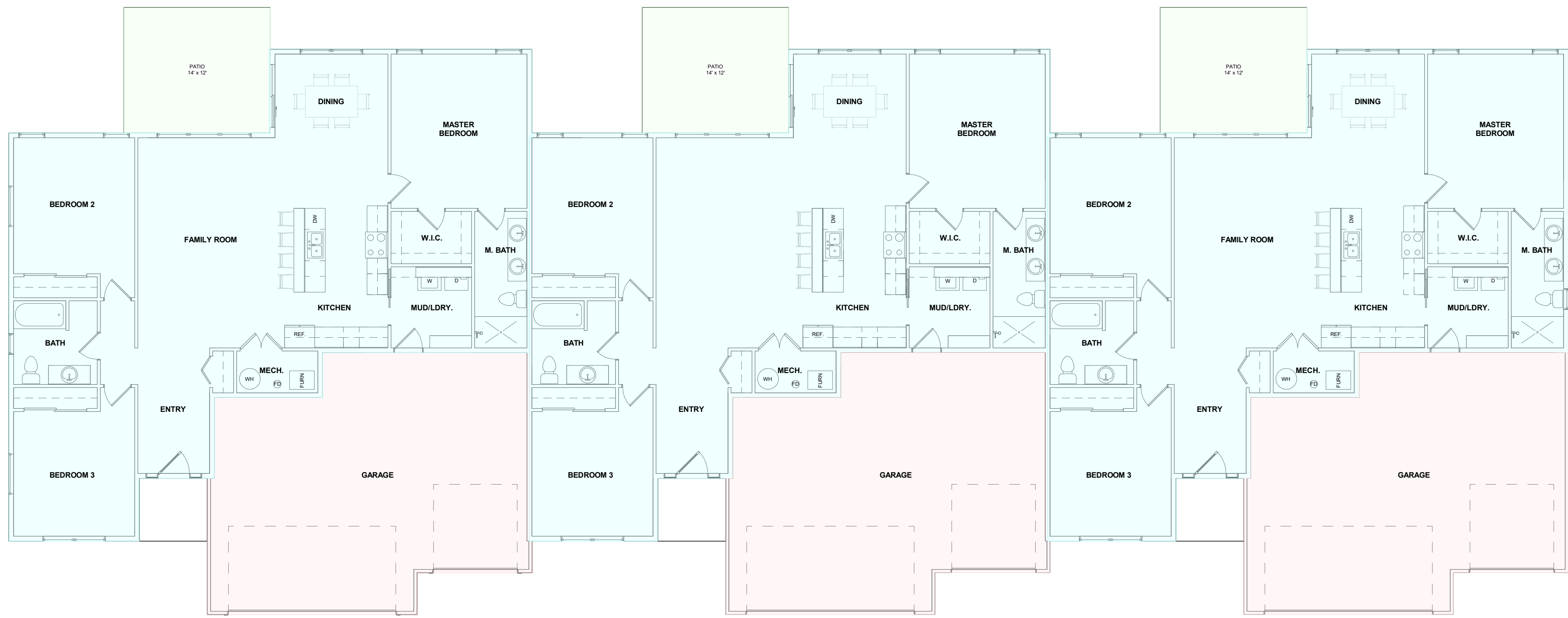


BACK/LEFT PERSPECTIVE VIEW



ROOF PLAN

1/16" = 1'-0"



MAIN FLOOR AREA PLAN

1/8" = 1'-0"

PATIO AREA (TYPICAL UNIT): 168 S.F.

MAIN FLOOR FINISHED AREA (LEFT UNIT): 1,602 S.F.
MAIN FLOOR FINISHED AREA (MIDDLE UNIT): 1,552 S.F.
MAIN FLOOR FINISHED AREA (RIGHT UNIT): 1,596 S.F.

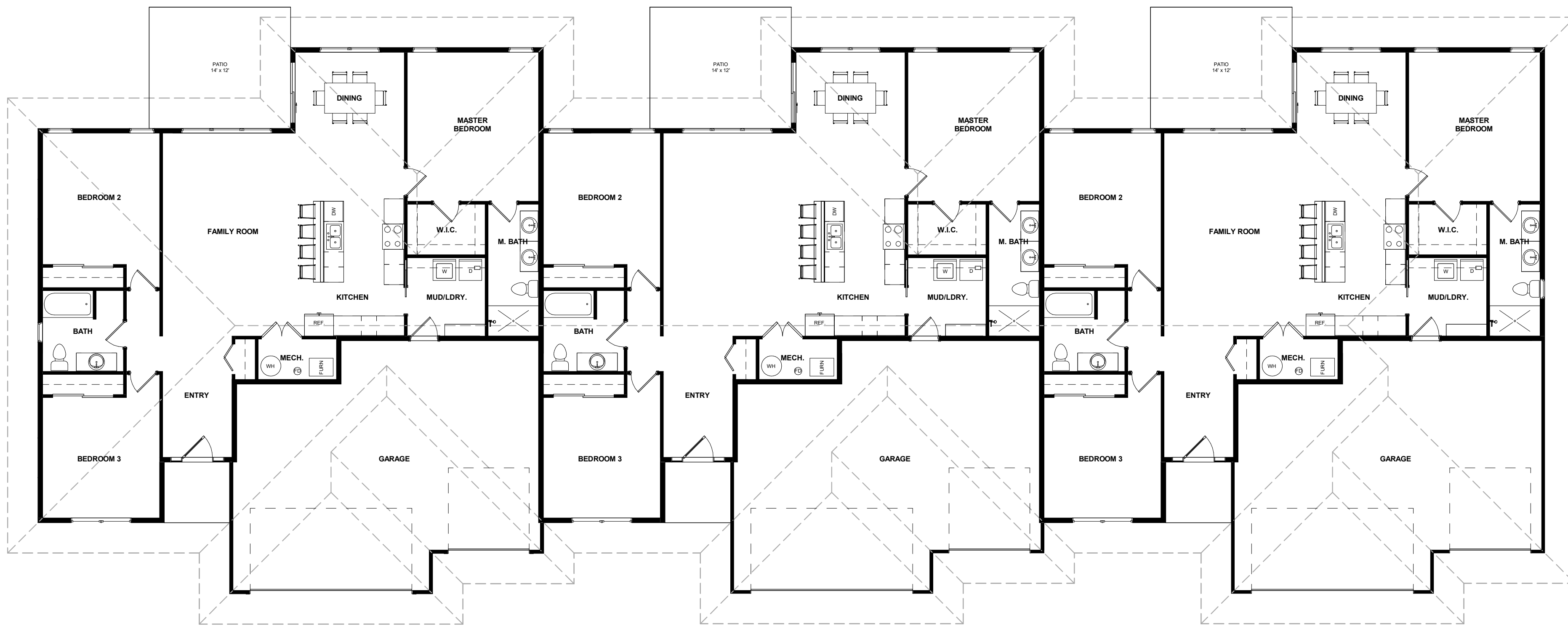
TOTAL MAIN FLOOR FINISHED AREA: 4,750 S.F.

GARAGE AREA (LEFT UNIT): 677 S.F.
GARAGE AREA (MIDDLE UNIT): 675 S.F.
GARAGE AREA (RIGHT UNIT): 679 S.F.

TOTAL GARAGE AREA: 2,031 S.F.

LGCDESIGN		x	CUSTOM DESIGN
07/25/2022	LGC - MICHAELSEN III - AREAS - REV. 2		© 2012 Floorplan Logic, LLC
LOT #6 of xxxxx, CEDAR FALLS, IA			39
SCALE: 1/8" = 1'-0"		(319) 266-6609 BRIAN LAFORCE	

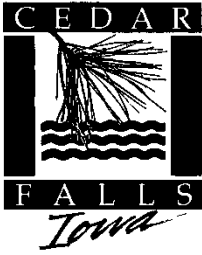
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MAIN FLOOR PRESENTATION PLAN

1/8" = 1'-0"





ADMINISTRATION

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
Phone: 319-273-8600
Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Shane Graham, Economic Development Coordinator
DATE: December 8, 2022
SUBJECT: Approval of a proposed Southwest Cedar Falls Urban Renewal Plan for a proposed South Cedar Falls Urban Renewal Area.

REQUEST: To approve the Southwest Cedar Falls Urban Renewal Plan for a proposed Southwest Cedar Falls Urban Renewal Area.

PETITIONER: City of Cedar Falls

LOCATION: Southwestern Cedar Falls

PROPOSAL

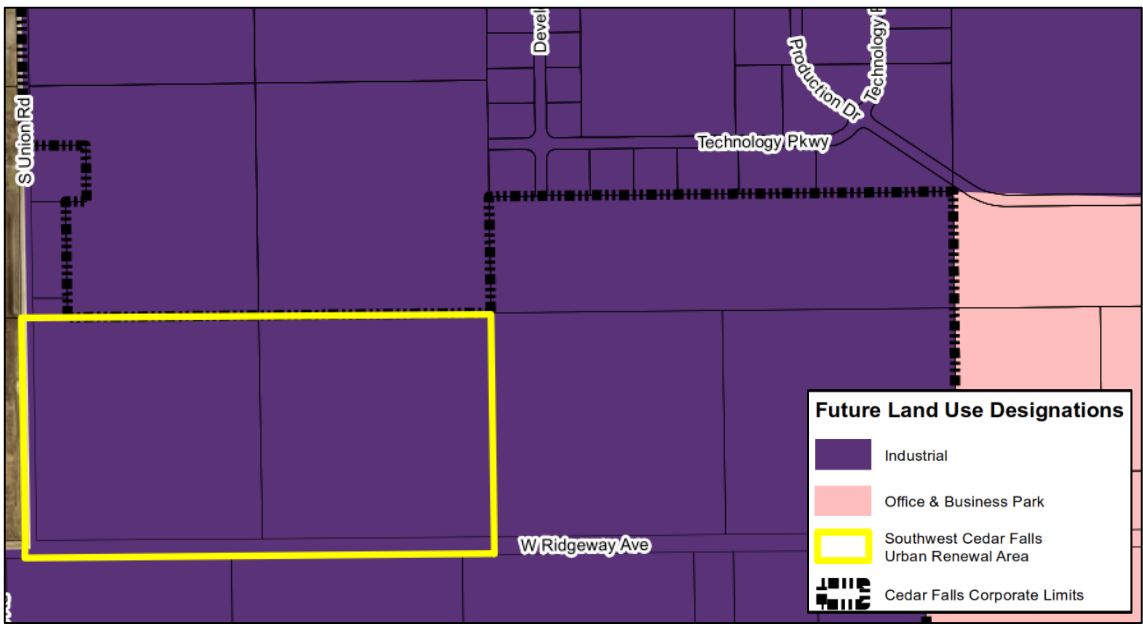
The City of Cedar Falls is proposing an urban renewal plan for a new urban renewal area, located in southwestern Cedar Falls (see map below). This new urban renewal area is being developed to help promote economic development within this area of Cedar Falls, with the goal of the plan being to stimulate, through public involvement and commitment, private investment in new and expanded commercial and industrial development. This area is being formed from property that the City is planning to acquire, in order to expand the city's industrial park, which is located adjacent to this property. By placing this property in an urban renewal area, the City can then use tax increment financing funds (TIF) to help develop this property.



ANALYSIS

Chapter 403 of the Code of Iowa gives cities the power to undertake urban renewal activities. More specifically, Chapter 403.5(2)(a) of the Code states that “prior to its approval of an urban renewal plan, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole”. This recommendation must then be forwarded to the City Council prior to the public hearing on the adoption of the urban renewal plan. The City Council public hearing regarding the plan has been set for January 3, 2023.

The City of Cedar Falls has a general plan for the physical development of the city, as a whole, designated as the “Cedar Falls Comprehensive Plan”, which was adopted in May of 2012. The Comprehensive Plan for Cedar Falls presents a unified and compelling vision for the community and establishes the actions necessary to fulfill that vision. Specific goals outlined in the Comprehensive Plan include expanding and enhancing the commercial and industrial base, supporting new businesses through innovative economic development programs, repairing aging infrastructure, and expanding technology infrastructure to attract business and industry, to name a few. Within the Comprehensive Plan is also found a Future Land Use Map, which includes both current and proposed uses within the city. More specifically for the area of the city where the proposed Southwest Cedar Falls Urban Renewal Plan is being proposed, the Future Land Use Map designates this area specifically for Industrial uses (see map below).



Several of the objectives of the proposed Southwest Cedar Falls Urban Renewal Plan include stimulating private investment in new commercial and industrial development, planning and providing for sufficient land for commercial or industrial development, providing for the installation of public infrastructure, providing a more marketable and attractive investment climate through the use of various governmental incentives, achieving a diversified, well-balanced economy, and developing a sound economic base that will serve as the foundation for future growth and development.

In order to meet the above objectives, some of the activities the City may undertake include acquiring property for development; making surveys, plans or studies; constructing, relocating or repairing public infrastructure; and making loans, tax rebate payments, or other types of

economic development grants or incentives.

Based on the goals and designated future land uses listed in the Comprehensive Plan, staff finds that the proposed objectives and activities of the proposed Southwest Cedar Falls Urban Renewal Plan are in conformance with the general plan for the development of the municipality as a whole.

STAFF RECOMMENDATION

Staff recommends that the Planning & Zoning Commission find that the proposed Southwest Cedar Falls Urban Renewal Plan is in conformity with the general plan for the development of the municipality as a whole.

PLANNING & ZONING COMMISSION

Discussion
and Vote
12/14/2022

Attachments: Urban Renewal Plan
Urban Renewal Area Map

SOUTHWEST CEDAR FALLS URBAN RENEWAL PLAN

for the

SOUTHWEST CEDAR FALLS URBAN RENEWAL AREA

CITY OF CEDAR FALLS, IOWA

Southwest Cedar Falls Urban Renewal Plan - 2023

SOUTHWEST CEDAR FALLS URBAN RENEWAL PLAN

CITY OF CEDAR FALLS, IOWA

INTRODUCTION AND BACKGROUND

This Urban Renewal Plan (“Plan” or “Urban Renewal Plan”) for the Southwest Cedar Falls Urban Renewal Area (the “Area” or “Urban Renewal Area”) has been developed to help promote economic development in the City of Cedar Falls (the “City”). The primary goal of this Plan is to stimulate, through public involvement and commitment, private investment in new and expanded commercial and industrial development in the Urban Renewal Area.

In order to achieve this Plan’s objectives, the City intends to undertake urban renewal activities pursuant to the powers granted to it under Chapter 403 and Chapter 15A, *Code of Iowa*, as amended.

DESCRIPTION OF THE URBAN RENEWAL AREA

The Southwest Cedar Falls Urban Renewal Area is illustrated in Exhibit A and described in Exhibit B.

The City reserves the right to modify the boundaries of the Area by amendments to this Plan.

AGREEMENT TO INCLUDE AGRICULTURAL LAND

Some of the property being included in the Urban Renewal Area is defined as “agricultural land” by Iowa Code Section 403.17(3). In accordance with Iowa Code Section 403.17(10), the owners of such property have entered into agreement(s) agreeing to allow the City to include their real property defined as “agricultural land” in the Urban Renewal Area. A copy of the signed agreement of each agricultural land owner within the Urban Renewal Area is attached as Exhibit “C”. The original signed agreements will be on file at City Hall.

JOINT CITY/COUNTY AGREEMENT

In accordance with Iowa Code Section 403.17(4), a City may exercise urban renewal powers with respect to property which is located outside but within two miles of the boundary of a City if the City obtains the consent of the County within which such property is located. A Joint Agreement has been executed by the City of Cedar Falls and Black Hawk County, which gives the City permission to include land that is outside the city limits in the Area. A copy of such Joint Agreement is attached hereto as Exhibit “D”. The original signed Joint Agreement is on file at City Hall.

AREA DESIGNATION

With the adoption of this Plan, the City of Cedar Falls designates this Urban Renewal Area as an economic development area that is appropriate for the promotion of industrial and/or commercial economic development.

BASE VALUE

If the Southwest Cedar Falls Urban Renewal Area is legally established, a Tax Increment Financing (TIF) Ordinance is adopted, and debt is certified all prior to December 1, 2023, the taxable valuation within the area included in the TIF Ordinance as of January 1, 2022, will be considered the frozen “base valuation.” If debt is not certified until a later date or if a TIF ordinance is not adopted until later, the “base value” will be the assessed value of the taxable property within the TIF Ordinance area as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt on the Area. It is possible that separate TIF ordinances for separate parcel(s) may be adopted as development in the Area warrants. In that case, each separate TIF ordinance area may have a separate base and separate sunset or expiration date.

DEVELOPMENT PLAN

The City of Cedar Falls has a general plan for the physical development of the City, as a whole, designated as the “Cedar Falls Comprehensive Plan” adopted in May 2012. This Urban Renewal Plan is in conformity with the Cedar Falls Comprehensive Plan. The urban renewal projects included in this Plan also are consistent with the Cedar Falls Comprehensive Plan.

The Plan does not modify the City’s existing zoning policies or designations.

The need for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area is set forth in this Urban Renewal Plan. As the Area develops, the need for public infrastructure extensions and upgrades will be evaluated and planned for by the City.

PLAN OBJECTIVES

Renewal activities are designed to provide opportunities, incentives, and sites to promote economic development, including new and expanded industrial and commercial development. More specific objectives for development within this Urban Renewal Area include:

1. To stimulate through public action and commitment, private investment in new commercial and industrial development.
2. To plan for and provide sufficient land for commercial or industrial development in a manner that is efficient from the standpoint of providing municipal services and that encourages the creation and retention of jobs.

3. To provide for the installation of public infrastructure, including gas, water, and communications infrastructure, and public facilities in the Urban Renewal Area, which ultimately contribute to the sound development of the entire City.
4. To provide a more marketable and attractive investment climate through the use of various governmental incentives.
5. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.
6. To develop a sound economic base that will serve as the foundation for future growth and development.
7. To provide reimbursement of City personnel costs and other administrative and legal fees associated with the development and implementation of urban renewal projects within the Urban Renewal Area.

TYPE OF RENEWAL ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage the development of the Urban Renewal Area, the City intends to utilize the powers conferred under Chapter 403 and Chapter 15A, *Code of Iowa*. Activities may include:

1. To undertake and carry out urban renewal projects through the execution of leases, contracts, and other instruments.
2. To make or have made surveys, studies, and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
3. To arrange for or cause to be provided the construction, relocation, or repair of public infrastructure, including but not limited to, streets, water, storm sewer, sanitary sewer, public utilities, sidewalks, street lights and signs, streetscaping and landscaping, or other related facilities and activities in connection with urban renewal projects.
4. To acquire property through a variety of means (purchase, lease, option, contract, etc.) and to hold, clear, or prepare the property for redevelopment, or to dispose of property.
5. To provide for the construction of specific site improvements such as grading and site preparation activities including site/soil reports and studies, access roads and parking, fencing, utility connections, and related activities.
6. To make loans, forgivable loans, tax rebate payments, or other types of economic development grants or incentives to private persons or businesses for economic development purposes on such terms as may be determined by the City Council.

7. To use tax increment financing to facilitate urban renewal projects, including, but not limited to, financing to achieve a more marketable and competitive land offering price and to provide for necessary physical improvements and infrastructure.
8. To borrow money and to provide security therefor.
9. To provide contributions and/or incentives for appropriate redevelopment and development projects.
10. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City of Cedar Falls and the State of Iowa.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance in of the objectives of this Urban Renewal Plan.

ELIGIBLE URBAN RENEWAL PROJECTS

1. Development Agreements

The City expects to consider requests for development agreements for projects that are consistent with this Plan, in the City's sole discretion. Such agreements are unknown at this time, but based on past history, and dependent on development opportunities and climate, the City expects to consider a broad range of incentives as authorized by this Plan, including but not limited to, land, loans, grants, tax rebates, public infrastructure assistance, and other incentives. The costs of such development agreements are estimated not to exceed \$5,000,000.

2. Land Acquisitions

The City expects to consider acquiring land in the Urban Renewal Area to accommodate future economic development and facilitate the provision of public services in an efficient manner that allows the City to provide these services to new and expanded businesses in the Urban Renewal Area. These acquisitions are expected to occur over the life of the Area as development occurs. The costs of such land acquisitions are estimated not to exceed \$5,000,000.

3. Extensions of Utilities by Cedar Falls Utilities

The City expects to enter into agreements with Cedar Falls Utilities providing for the extension of services by Cedar Falls Utilities in the Urban Renewal Area, to ensure the installation and/or relocation of utility infrastructure as necessary to accommodate and promote economic development and growth in the Urban Renewal Area. The agreement(s) will likely provide for the provision of infrastructure for the following utilities: gas, water, communication, and electric. The extension of utility services will take place over the life of the Area as development occurs. This project may also involve costs incurred by the City to resolve disputed water service territory with the IRUA as necessary to allow Cedar Falls Utilities to provide water utilities to the Urban Renewal Area. The cost of these agreements with Cedar Falls Utilities, in conjunction with any payments

to the IRUA, to be reimbursed through tax increment financing is estimated not to exceed \$5,000,000.

4. Capital Improvement Projects/Public Infrastructure Projects

Project	Estimated Project Date	Not to Exceed	Rationale
Land preparation for industrial/commercial development within the Urban Renewal Area, including design, construction and related project expenses.	2023-2043	\$5,000,000	Economic Development-promotion of commercial/industrial
Sanitary sewer and storm sewer installation within the Urban Renewal Area, including design, construction and related project expenses.	2023-2043	\$5,000,000	Economic Development-promotion of commercial/industrial
Construction of new roadways within the Urban Renewal Area, including design, construction and related project expenses.	2023-2043	\$5,000,000	Economic Development-promotion of commercial/industrial
	TOTAL:	\$15,000,000	

5. Fees, Costs, and Expenses (for urban renewal projects and planning)

Project	Estimated Project Date	Not to Exceed
Legal Fees:		
Legal, consulting, recording, publication, and other miscellaneous fees associated with land acquisition and economic development projects occurring within the Urban Renewal Area.	2023-2043	\$500,000
Personnel Costs and Other Administrative Expenses to Support Urban Renewal Projects and Planning:		
Staffing/Personnel related expenses including but not limited to salary and benefits incurred by City personnel tied to supporting economic development and urban renewal projects within the	2023-2043	\$500,000

Urban Renewal Area. Plan Amendment preparation and administration included.		
Engineering, Planning, and Study Costs:		
Engineering, design and inspection costs incurred for future roadway and infrastructure projects within the Urban Renewal Area.	2023-2043	\$1,000,000
Planning, design, studies and associated costs for the development of land within the Urban Renewal Area.	2023-2043	\$500,000
Traffic planning and studies tied to any roadway improvement projects.	2023-2043	\$200,000

FINANCIAL DATA

Constitutional debt limit	\$174,549,626
Current general obligation debt:	\$11,850,000
Proposed amount of indebtedness to be incurred: (This amount does not include financing costs, which will be incurred over the life of the Area.)	\$32,700,000

PROPOSED AMOUNT OF LOANS, ADVANCES, INDEBTEDNESS OR BONDS TO BE INCURRED

A specific amount of actual debt to be incurred for the Eligible Urban Renewal Projects has not yet been determined. This document is for planning purposes only. The estimated project costs in this Plan are estimates only and will be incurred and spent over a number of years. In no event will the City’s constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City’s best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area.

Subject to the foregoing, it is estimated that the cost of the Eligible Urban Renewal Projects as described above will be approximately \$32,700,000.

URBAN RENEWAL FINANCING

The City intends to utilize various financing tools such as those described below to successfully undertake the proposed urban renewal actions. The City has the statutory authority to use a variety of tools to finance physical improvements within the Areas. These include:

- A. Tax Increment Financing.

FINAL

Under Section 403.19 of the *Code of Iowa*, urban renewal areas may utilize the tax increment financing mechanism to finance the costs of public improvements, economic development incentives, or other urban renewal projects. Upon creation of a tax increment district within the Area, by ordinance, the assessment base is frozen and the amount of tax revenue available from taxes paid on the difference between the frozen base and the increased value, if any, is segregated into a separate fund for the use by the City to pay costs of the eligible urban renewal projects. Certain increased taxes generated by any new development, above the base value, are distributed to the taxing entities, if not requested by the City, and in any event upon the expiration of the tax increment district.

The City may also determine to use tax increment financing to provide incentives such as cash grants, loans, tax rebates, or other incentives to developers or private entities in connection with the urban renewal projects identified in this Plan. In addition, the City may determine to issue general obligation bonds, tax increment revenue bonds or such other obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Area for urban renewal projects. Alternatively, the City may determine to use available funds for making such loans or grants or other incentives related to urban renewal projects. In any event, the City may determine to use tax increment financing to reimburse the City for any obligations or advances.

B. General Obligation Bonds.

Under Division III of Chapter 384 and Chapter 403 of the *Code of Iowa*, the City has the authority to issue and sell general obligation bonds for specified essential and general corporate purposes, including the acquisition and construction of certain public improvements within the Area and for other urban renewal projects or incentives for development consistent with this Plan. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of Cedar Falls. It may be, the City will elect to abate some or all of the debt service on these bonds with incremental taxes from this Area.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan.

PROPERTY ACQUISITION/DISPOSITION

The City may finance or assist with financing the cost of land acquisitions in the Area. The City will follow applicable legal proceedings and procedures for the acquisition and disposition of property.

RELOCATION

The City does not expect there to be any relocation required of residents or businesses as part of the proposed urban renewal projects; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform to state and local laws will be complied with by the City and/or the developer in implementing this Urban Renewal Plan and its supporting documents, objectives, and renewal activities.

SEVERABILITY

In the event one or more provisions contained in the Urban Renewal Plan shall be held for any reason to be invalid, illegal, unauthorized, or unenforceable in any respect, such invalidity, illegality, unauthorized, or enforceability shall not affect any other provision of this Urban Renewal Plan, and this Urban Renewal Plan shall be construed and implemented as if such provisions had never been contained herein.

URBAN RENEWAL PLAN AMENDMENTS

This Urban Renewal Area Plan may be amended from time to time for a number of reasons, including but not limited to, to change in the area, to add new urban renewal projects, to update and/or modify ongoing urban renewal projects, to delete completed urban renewal projects, to add or change land use controls and regulations, to modify goals or types of renewal activities, or to amend property acquisition and disposition provisions. The City Council may amend this Plan pursuant to appropriate procedures under Iowa Code Chapter 403.

EFFECTIVE PERIOD

This Urban Renewal Plan will become effective upon its adoption by the Cedar Falls City Council and will remain in effect until it is repealed by City Council.

With respect to the property included within the Southwest Cedar Falls Urban Renewal Area, which is also included in an ordinance which designates that property as a tax increment area, the use of incremental property tax revenues or the "division of revenue," as those words are used in Chapter 403 of the *Code of Iowa*, is limited to twenty (20) years beginning with the first calendar year following the calendar year in which the City first certifies to the County Auditor the amount of any loans, advances, indebtedness, or bonds which qualify for payment from the incremental property tax revenues attributable to that property within a TIF ordinance of the Southwest Cedar Falls Urban Renewal Area. The division of revenues shall continue on the Urban Renewal Area for the maximum period allowed by law.

It is possible that separate TIF ordinances for separate parcel(s) may be adopted as development in the Area warrants. In that case, each separate TIF ordinance may have a separate base and separate sunset or expiration date.

At all times, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the Code of Iowa) by the City for activities carried out in the Southwest Cedar Falls Urban Renewal Area shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

EXHIBIT A MAP OF THE SOUTHWEST CEDAR FALLS URBAN RENEWAL AREA

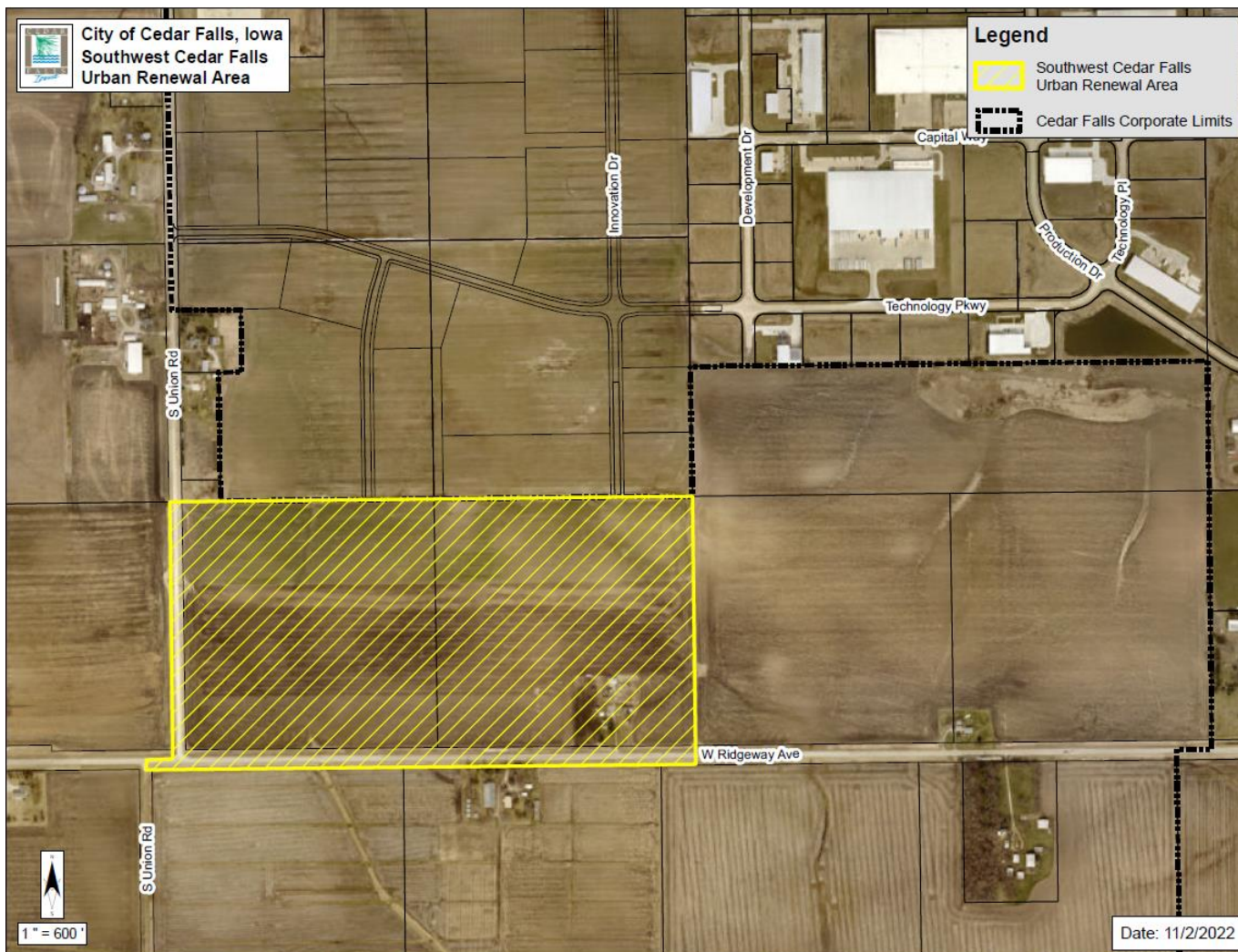


EXHIBIT B
LEGAL DESCRIPTION OF THE SOUTHWEST CEDAR FALLS URBAN RENEWAL AREA

Olander, Graham & Ladage Property:

The South one-half (S ½) of the Southwest Quarter (SW ¼) of Section thirty-four (34), Township eighty-nine (89) North, Range fourteen (14) West;

And also,

S Union Road ROW (West side):

The East thirty-three (33) feet of the South one-half (S ½) of the Southeast Quarter (SE ¼) of Section thirty-three (33), Township eighty-nine (89) North, Range fourteen (14) West;

And also,

West Ridgeway Ave ROW (North side):

The North fifty (50) feet of the East two thousand-six-hundred and eighty feet (2,680) of the West two thousand-eight-hundred and twenty-five feet (2,825) of Section four (4), Township eighty-eight (88) North, Range fourteen (14) West.

EXHIBIT C

**AGREEMENT TO INCLUDE AGRICULTURAL LAND
IN THE SOUTHWEST CEDAR FALLS URBAN RENEWAL AREA**

WHEREAS, the City of Cedar Falls, Iowa, (the “City”) has proposed the Southwest Cedar Falls Urban Renewal Plan (the “Plan”) for the Southwest Cedar Falls Urban Renewal Area (the “Urban Renewal Area”), pursuant to Chapter 403 of the Code of Iowa, in order to undertake activities authorized by that Chapter; and

WHEREAS, it has been proposed that the boundaries of the Urban Renewal Area will include certain property which is owned by the Agricultural Land Owner listed below (the “Property”); and

WHEREAS, Section 403.17(10) of the Code of Iowa provides that no property may be included in an urban renewal area which meets the definition in that Section of “agricultural land,” until the owners of such property agree to include such property in such urban renewal area; and

WHEREAS, it has been determined that the portion of the Property owned by the Agricultural Land Owner below meets the definition of “agricultural land” in Section 403.17(3) of the Code of Iowa;

NOW, THEREFORE, it is hereby certified and agreed by the Agricultural Land Owner as follows:

1. The Agricultural Land Owner hereby certifies that he/she is the owner of certain Property within the proposed Urban Renewal Area and agrees that the City of Cedar Falls, Iowa, may include such Property within the Urban Renewal Area.

2. The Agricultural Land Owner further authorizes the governing body of the City of Cedar Falls, Iowa, to pass any resolution or ordinance necessary to designate said Property as part of the Urban Renewal Area under Chapter 403 of the Code of Iowa, and to proceed with activities authorized under said Chapter.

DATED this ____ day of _____, 2022.

Agricultural Land Owner’s Name:

Signature: _____

Date: _____

Witness: _____

Agricultural Land Owner’s Name:

Signature: _____

Date: _____

Witness: _____

Agricultural Land Owner’s Name:

Signature: _____

Date: _____

Witness: _____

EXHIBIT D**JOINT CITY/COUNTY AGREEMENT**

WHEREAS, the City of Cedar Falls (the “City”) has proposed to adopt the Southwest Cedar Falls Urban Renewal Area which includes property that is outside, but within two miles of, its corporate boundaries for the purpose of engaging in proposed urban renewal projects on said property; and

WHEREAS, the City Council of the City of Cedar Falls, State of Iowa, has reviewed the Urban Renewal Plan for said Urban Renewal Area, and has determined that the proposed Urban Renewal Area and completion of the eligible projects therein, are in the best interests of the City of Cedar Falls, State of Iowa; and

WHEREAS, Iowa Code Section 403.17(4) requires a “joint agreement” between the City and the County before the City can proceed with said projects.

NOW THEREFORE, BLACK HAWK COUNTY, STATE OF IOWA AND THE CITY OF CEDAR FALLS, STATE OF IOWA, AGREE AS FOLLOWS:

1. The Board of Supervisors of Black Hawk County, State of Iowa hereby agrees and authorizes the City of Cedar Falls, State of Iowa, to proceed with including property within two miles of the City of Cedar Falls in the Southwest Cedar Falls Urban Renewal Area as described in the Southwest Cedar Falls Urban Renewal Plan, and the undertaking of the eligible urban renewal projects therein.

2. This “joint agreement” is intended to meet the requirements of Iowa Code Chapter 403.17(4) with respect to the Southwest Cedar Falls Urban Renewal Area located in or within two miles of the City of Cedar Falls, State of Iowa.

3. This Joint Agreement has been duly authorized by the governing bodies of Black Hawk County, State of Iowa and the City of Cedar Falls, State of Iowa.

PASSED AND APPROVED this _____ day of _____, 2022.

BLACK HAWK COUNTY, STATE OF IOWA

Chairperson, Board of Supervisors

ATTEST:

Auditor

STATE OF IOWA)
) SS
COUNTY OF BLACK HAWK)

On this _____ day of _____, 2022, before me a Notary Public in and for the State of Iowa, personally appeared _____ and _____ to me personally known, who being duly sworn, did say that they are the Chairperson and Auditor, respectively, of Black Hawk County, State of Iowa, a political subdivision, and that the seal affixed to the foregoing instrument is the seal of said political subdivision, and that said instrument was signed and sealed on behalf of said political subdivision by authority and resolution of its Board of Supervisors, and said Chairperson and Auditor acknowledged said instrument to be the free act and deed of said political subdivision by it voluntarily executed.

Notary Public in and for Black Hawk County,
Iowa

PASSED AND APPROVED this _____ day of _____, 20__.

CITY OF CEDAR FALLS, STATE OF IOWA

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF _____)

On this _____ day of _____, 20__, before me a Notary Public in and for said County, personally appeared _____ and _____ to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Cedar Falls, State of Iowa, a Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipal Corporation by it voluntarily executed.



Notary Public in and for Black Hawk County,
Iowa

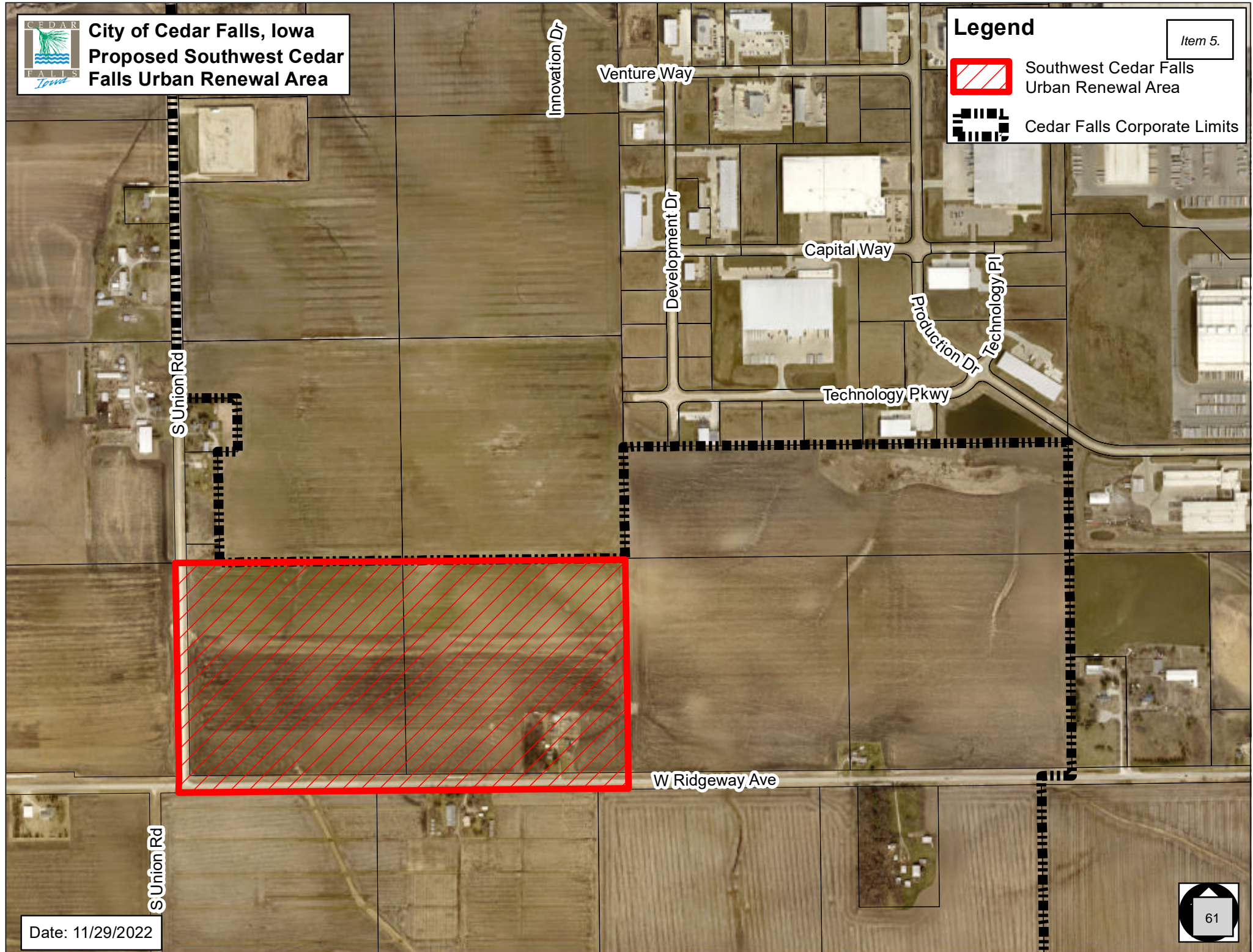


City of Cedar Falls, Iowa
Proposed Southwest Cedar Falls Urban Renewal Area

Item 5.

Legend

-  Southwest Cedar Falls Urban Renewal Area
-  Cedar Falls Corporate Limits







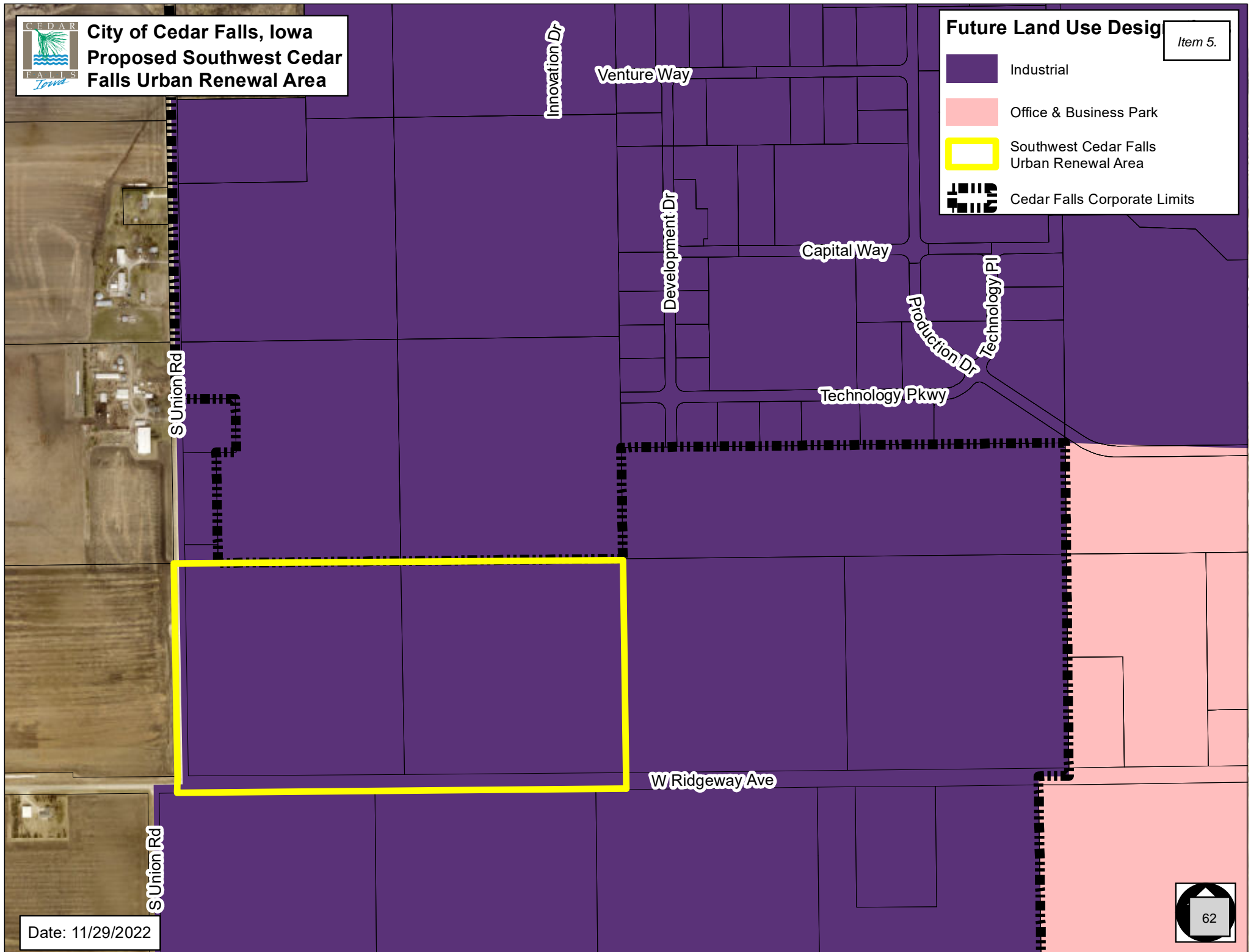
Date: 11/29/2022



City of Cedar Falls, Iowa
Proposed Southwest Cedar Falls Urban Renewal Area

Future Land Use Design Item 5.

-  Industrial
-  Office & Business Park
-  Southwest Cedar Falls Urban Renewal Area
-  Cedar Falls Corporate Limits



Date: 11/29/2022



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
Phone: 319-273-8600
Fax: 319-268-5126
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning Commission
FROM: Michelle Pezley, Planner III
Matthew Tolan, EI, Civil Engineer II
DATE: December 14, 2022
SUBJECT: Hidden Pines Subdivision (PP21-006)

REQUEST: Request to approved Preliminary Plat for Hidden Pines

PETITIONERS: Stephen Clabby, property owner; Kyle Larson, developer; Fehr Graham, Project Engineers

LOCATION: South of Greenhill Road, East of Cedar Heights Road and abutting the eastern City Limits

PROJECT #: PP21-006 Preliminary Plat for Hidden Pines

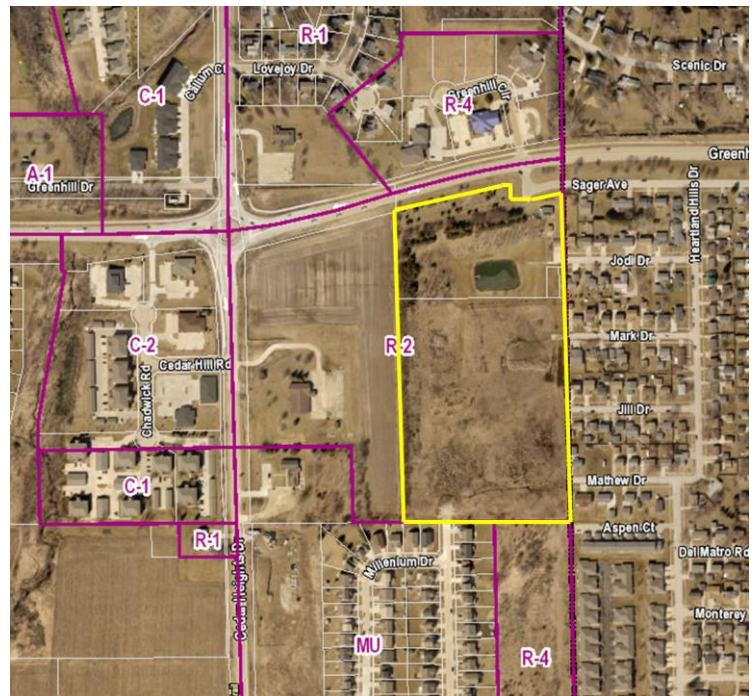
PROPOSAL

The applicant submitted a preliminary plat application to subdivide two lots into 43 residential lots, six tracts, and one outlot within two phases.

The property is located south of Greenhill Road and Sager Ave; east of Cedar Heights Drive, and north of the Luke Road dead end, and west of the Waterloo city limits.

BACKGROUND:

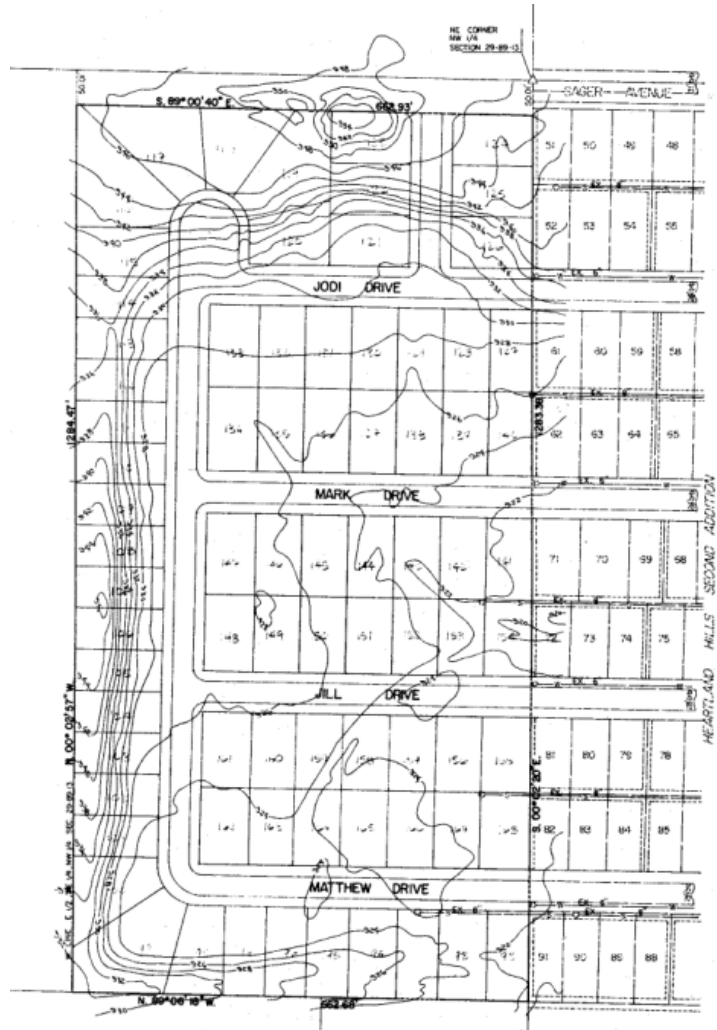
In 1982, the property owner proposed Heartland Hills Phase 3 subdivision as shown on the next page. Phases 1 and 2 were developed within the City of Waterloo and the property owner wished to continue the development with all the



streets connecting to Waterloo. The main concern with the proposal was that there was no street connection to any Cedar Falls streets or surrounding properties.

In 1999, the City reviewed a minor plat for the property to divide the property into two lots. During the review, the City of Cedar Falls and the City of Waterloo were concerned with the southern parcel because it was cut off from any Cedar Falls services. The minor plat was never approved.

The property owner returned with Heartland Hills Phase 3 in 2001 and again in 2014 with similar subdivision design as the first review. Each time, the property owner provided street connections to each of the Waterloo streets but did not propose a street connection to Cedar Falls. The City was consistent in their review of these proposals, noting that street connections would be necessary in order for the City to provide services to the lots.



In past proposals, the property owner designed the subdivision to have the sewer extended from the City of Waterloo. In 2001, Waterloo determined that they did not have the sewer capacity in that part of town to service the subdivision. When Luke Street was developed in Huntington Ridge Second Addition in 2005, the sewer connection was not designed in a way that could be extended to the subject property. To resolve this issue with the current submittal, the applicant proposes to extend the sanitary sewer from Huntington Road through an easement on the vacant property to the south.

ANALYSIS

Coordination between Jurisdictions

The proposed plat indicates that the streets will connect to streets in Waterloo and stormwater overflow will drain to Waterloo storm sewers. The applicant provided a letter from the City of Waterloo that Waterloo was acceptable of the utility and street connections (See attached). Waterloo has no objections to the development as presented.

Lot Configurations:

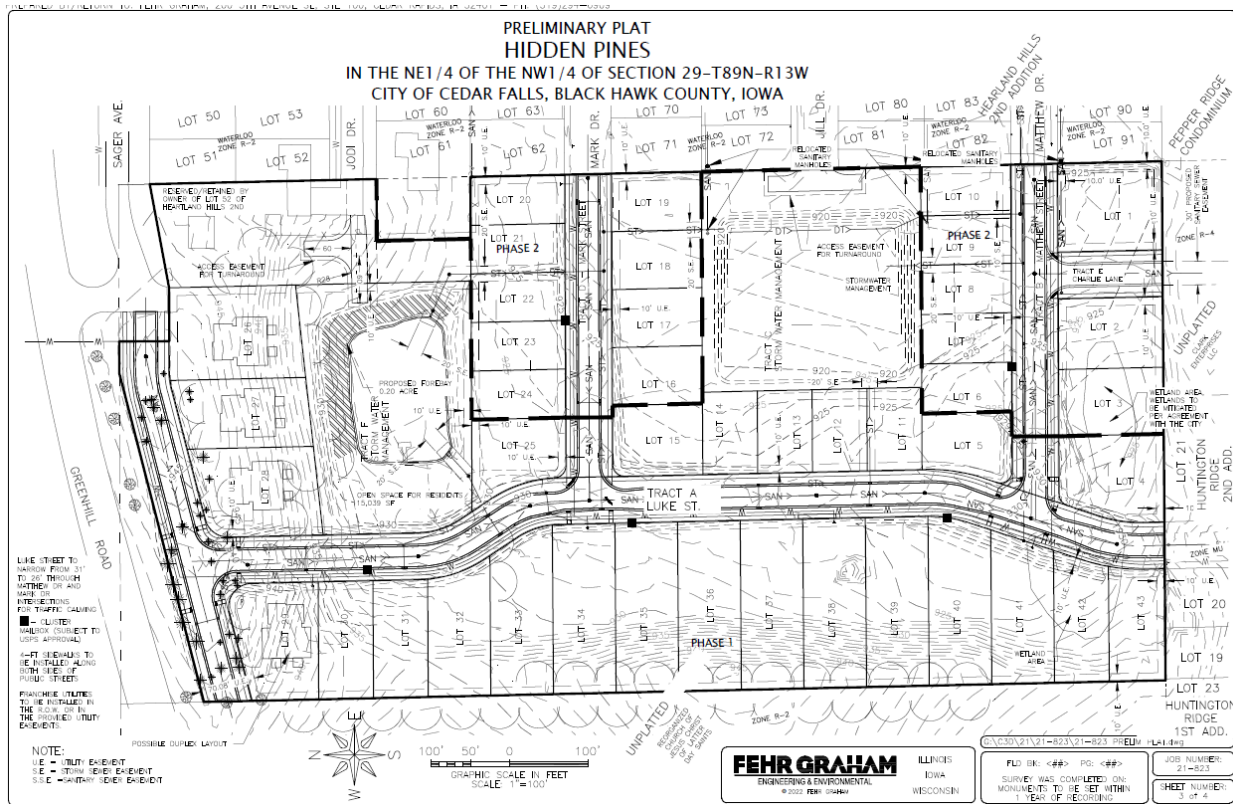
The applicant proposes 43 lots, six tracts, and one outlot. Tracts F and C are intended for stormwater detention and the remaining four tracts are for street rights-of-way. The

outlot is proposed to be combined with the residential property to the east. The subdivision is within the R-2 Zoning District. The subdivision consists of lots that range from 7,244-19,834 square feet. The applicant also proposes mostly single family lots with a few lots large enough to contain duplexes as the market allows/demands.

Each lot is at least 60 feet wide as measured from the front setback for a single-family residence and 70 feet wide for a duplex. Minimum principal building setbacks within the R-2 Zoning District are as follows: 25-foot front yard, 30-foot rear yard, and a side yard of 10% of the lot width. All 43 of the proposed buildable lots meet these standards. As required by the subdivision code, the corner lots are at least 80 feet wide measured at the front setback line. All corner lots meets this requirement.

Phasing of Development and Critical Connections:

Per the recent amendment to the subdivision code, the applicant is required to submit a phasing plan that shows the order of development with an emphasis on ensuring the timely connection of streets and other infrastructure within the development. The phasing plan shall ensure that critical street routes are completed first.



The applicant proposes to develop Hidden Pines in two phases. The critical street route is continuing Luke Street north to connect with Sager Avenue. Sager Avenue will be extended to the west property boundary to facilitate future development. The stormwater detention facilities are also part of the of the critical infrastructure of the subdivision and are needed to serve all the lots proposed in Phase 1. Phase 1 includes 26 lots, both stormwater detention basins, and construction of Luke Street to Sager Ave and extending Sager Ave. to the west property boundary. Small stubs of Mark and Matthew Streets will be constructed in Phase 1 coinciding with the included corner lots.

Phase 2 includes lots facing Mark Drive and Matthew Drive for a total of 17 lots and the small stub for Charlie Street, which will provide a connection to the vacant property to the south so that it can be developed in the future. This street stub aligns with the sanitary sewer that will be extended through the undeveloped property to the south. The applicant plans to start construction of the infrastructure in the spring for Phase 1 and by the end of the summer, start of Phase 2, depending on the market for new lots.

In the second phase, Matthew and Mark Drives will connect to streets with the same name in Waterloo. The City of Waterloo reviewed the connections and overall proposal and have no objections to the connections.

Traffic Calming:

The applicant also was asked to provide traffic calming elements to their design along Luke Street. To slow down traffic the applicant proposes reducing the street width from 31 feet to 26 feet along Luke Street at the intersections with Mark and Matthew Drives.

Stormwater Management:

The applicant proposes two tracts to be used for stormwater management areas: The existing pond in Tract F, and Tract C. Both stormwater facilities are needed for the development of phase 1. The stormwater from each lot will be connected to one of the stormwater basins to maintain the existing two-year storm event stormwater flow of the property in a surface drain/to pipes connected to the basins. The existing pond is proposed to overflow to the basin in Tract C for the 100-year stormwater event. The overflow from Tract C stormwater basin will connect to the City of Waterloo's existing inlet east of the site on Matthew Drive.

According to the draft deed of dedication, the property owner will deed the stormwater management areas to the homeowners' association to maintain as well as dedicate easements to the City. The City Engineer's office has reviewed the revised stormwater report and finds it acceptable.

Sanitary Sewer:

Sanitary sewer is available upon extension through an easement across the undeveloped property to the south. The applicant indicated during a meeting with staff that the adjoining property owner to the south has agreed to an easement through their property for the sewer extension. The sewer will align with the proposed Charlie Street, which will provide an opportunity for development of the property to the south. Preliminary concept drawings of the sewer extension have been submitted for Engineering Division review. The applicant has demonstrated that the sewer extension is feasible. A draft of the off-site easement has been submitted but will need to be revised to include the City of Cedar Falls as a benefited party. (condition added)

Wetlands:

The environmental report shows that there are wetlands on the property. The wetlands are delineated on the plat. The applicant reached out to the United States Army Corps of Engineers (USACE). They determined that the wetlands were not jurisdictional wetlands and do not require any additional review from USACE.

Under Section 20-6(d), the City requires that all wetlands, jurisdictional and non-

jurisdictional wetlands to be mitigated or be left as is. The applicant proposes to mitigate the wetlands to a 0.4 to 1 ratio. The onsite mitigation will include planting wetland species around the northern detention pond. The additional plantings will also increase the water quality of the detention pond. The mitigation plan must be included in the construction drawings for staff review prior to planting. (condition added)

Parks and Trails:

The Comprehensive Plan includes an analysis regarding the community needs for parkland including geographic distribution. The analysis is designed to be general to provide flexibility and encourage creative design in providing park space. The planning standard is to have residents within a fourth to one half mile from a park. The applicant showed that Hidden Pines is within a half mile from Miriam's Park in Waterloo. The applicant proposes part of the Tract F to be used as open space for the homeowner's association to determine the best use of the space.

Process:

Approval of a preliminary plat will allow the developer to proceed with the construction and installation of all required public infrastructure such as streets, sewers, and other utilities for the Phase 1 of Hidden Pines. Final platting must follow the phasing plan as attached to the intent as feasible. No lot sales or new home construction can begin until a final plat is approved by the City Council. A final plat cannot be approved until infrastructure construction plans (streets, utilities, grading, etc.) are approved by the City Engineering Division and the infrastructure built and accepted by the City or a performance bond established. Staff notes that the draft off-site easement for extension of the sanitary sewer from Huntington Road will need to be revised to include the City as party to the easement, since the sanitary sewer is intended to be public and maintained by the City once accepted by the City. The City will not accept the sewer until an easement is recorded in its favor. Staff will work with the applicant to make the necessary changes to the easement agreement with the property owner to the south.

TECHNICAL COMMENTS

Cedar Falls Utilities (CFU) has reviewed the preliminary plat for the Hidden Pines Development. Water, electric, gas, and communications utility services are available in accordance with the service policies of CFU. The developer is responsible for the construction of a properly sized water system from the existing 12" water mains at the north end of Luke St and at the northwest corner of Greenhill Road and Greenhill Circle. Included in the installation are valves, fire hydrants, and water service stubs for the new lots. Water main sizing and fire hydrant and valve placement locations will need to be modified. This will be done as a part of the construction plan review. The developer will need to make refundable investments for the installation of the electric and gas utilities to and throughout the addition. For a ten-year period after the installation, CFU will refund a portion of the refundable investments based upon the number of new service connections to the electric and gas distribution systems. There is no interest paid on the refundable investments and the total refunds will not exceed the original investment amounts.

There are a few minor corrections that are needed to the plat and to the deed of dedication, which staff anticipates will be cleared up by the next Planning and Zoning Commission meeting.

Neighbor Notice:

A courtesy notice to nearby property owners was mailed on December 7, 2022.

RECOMMENDATION

Gather any comments from the Planning and Zoning Commission and public and continue the discussion at the next Planning and Zoning Commission meeting with the following conditions.

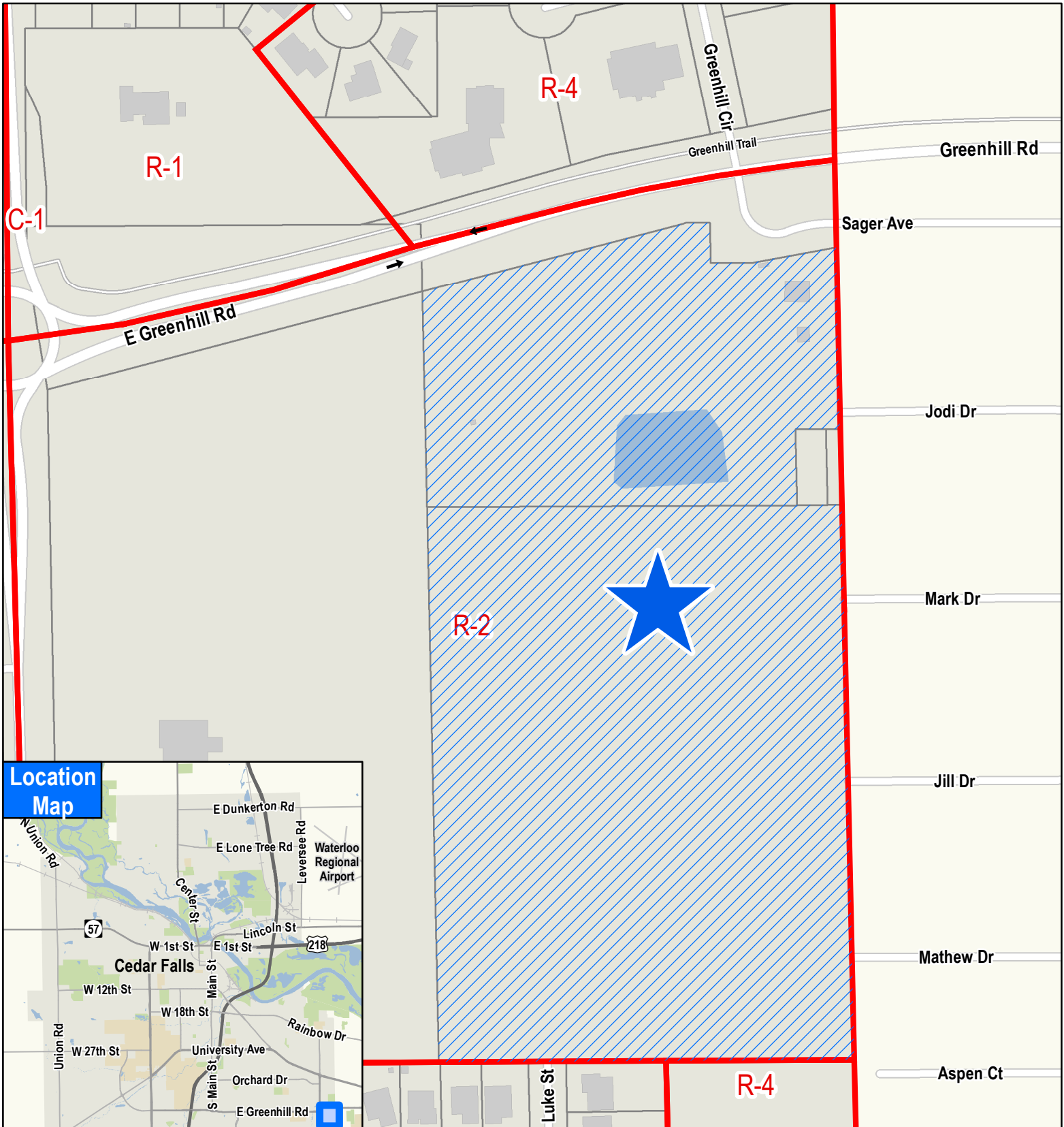
1. The applicant shall provide an easement for the off-site sanitary sewer extension prior to or with submittal of the construction drawings. The easement agreement shall include the City of Cedar Falls as a benefited party and must be reviewed and approved by the City Council prior to recording.
2. The applicant shall provide the wetland mitigation planting plan with the construction drawings, which shall be reviewed and approved by the City prior to planting;
3. Any comments or direction specified by the Planning & Zoning Commission.
4. Conform to all city staff recommendations and technical requirements.

PLANNING AND ZONING

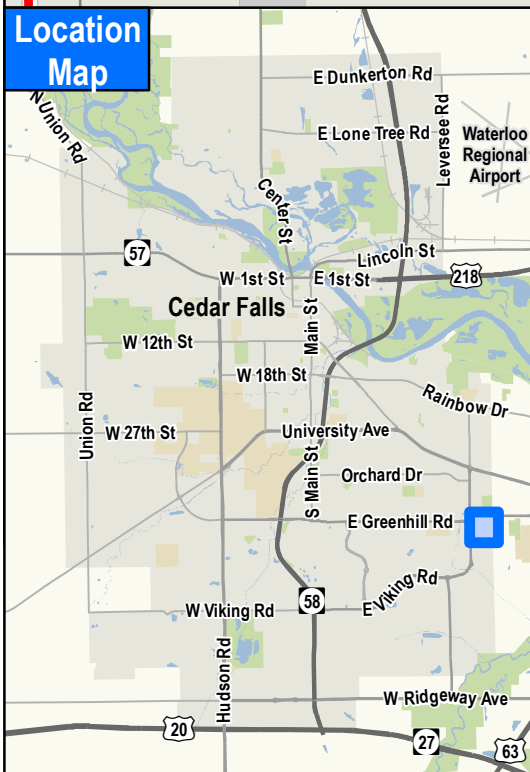
Discussion
12/14/22

Cedar Falls Planning and Zoning Commission December 14, 2022

Item 6.



Location Map



Hidden Pines Subdivision Preliminary Plat (PP21-006)

RECORDER'S INDEX
COUNTY: BLACK HAWK
SECTION: 29-T89N-R13W
QUARTER SECTION: NE1/4-NW1/4
CITY: CEDAR FALLS
SUBDIVISION: HEARTLAND HILLS THIRD ADDITION
BLOCK: N/A
LOT(S): 1-50, LOTS A-D
PROPRIETOR: STEPHEN A. AND DEON R. CLABBY
REQUESTED BY: STEPHEN A. CLABBY

PRELIMINARY PLAT HIDDEN PINES

PART OF THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA

LEGAL DESCRIPTION

NOTE: THIS SUBDIVISION IS A DIVISION OF PART OF WARRANTY DEED RECORDED IN BOOK 671, PAGE 670, AND OF A QUIT CLAIM DEED RECORDED WITH RECORDING INSTRUMENT #2018-00016074 BOTH ON FILE IN THE BLACK HAWK COUNTY RECORDER'S OFFICE, WATERLOO, IOWA.

HIDDEN PINES, PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 89 NORTH, RANGE 13 WEST OF THE 5TH P.M., CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION;
 THENCE SOUTH 01°17'41" EAST (ASSUMED BEARING), 40.00 FEET ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION TO THE POINT OF BEGINNING;
 THENCE CONTINUING SOUTH 01°17'41" EAST, 289.66 FEET ALONG SAID EAST LINE;
 THENCE SOUTH 89°44'18" WEST, 79.00 FEET;
 THENCE SOUTH 01°17'41" EAST, 120.09 FEET;
 THENCE NORTH 89°44'18" EAST, 79.00 FEET TO SAID EAST LINE;
 THENCE SOUTH 01°17'41" EAST, 883.15 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION;
 THENCE SOUTH 89°34'33" WEST, 662.67 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER;
 THENCE NORTH 01°17'23" WEST, 1228.80 FEET ALONG SAID WEST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF GREENHILL ROAD;
 THENCE NORTH 75°34'50" EAST, 432.90 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;
 THENCE SOUTH 00°20'22" EAST, 64.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;
 THENCE NORTH 89°44'23" EAST, 68.10 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;
 THENCE NORTH 79°28'27" EAST, 134.69 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;
 CONTAINING 19.298 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 BASIS OF BEARING IS NAD83, IOWA STATE PLANE NORTH ZONE.

LOW OPENINGS			
LOT 1	921.2	LOT 26	930.0
LOT 2	926.6	LOT 27	930.0
LOT 3	929.1	LOT 28	930.0
LOT 4	930.3	LOT 29	937.4
LOT 5	923.0	LOT 30	933.8
LOT 6	923.0	LOT 31	932.1
LOT 7	923.0	LOT 32	931.4
LOT 8	923.0	LOT 33	930.5
LOT 9	923.0	LOT 34	929.6
LOT 10	923.0	LOT 35	928.6
LOT 11	923.0	LOT 36	927.9
LOT 12	923.0	LOT 37	927.2
LOT 13	923.0	LOT 38	926.2
LOT 14	923.0	LOT 39	926.2
LOT 15	923.0	LOT 40	928.2
LOT 16	923.0	LOT 41	930.5
LOT 17	923.0	LOT 42	931.6
LOT 18	923.0	LOT 43	929.7
LOT 19	923.0		
LOT 20	930.0		
LOT 21	930.0		
LOT 22	930.0		
LOT 23	930.0		
LOT 24	930.0		
LOT 25	930.0		

Curve Table				
NUMBER	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	54.00'	30.00'	S 52°51'54" E	47.00'
C2	78.20'	160.00'	S 19°20'55" E	77.43'
C3	47.51'	100.00'	N 19°44'20" W	47.07'
C4	57.33'	170.00'	S 08°22'14" W	57.06'
C5	77.56'	230.00'	S 08°22'14" W	77.19'
C6	57.33'	170.00'	S 08°22'14" W	57.06'
C7	75.40'	230.00'	N 08°38'25" E	75.06'
C8	89.53'	160.00'	N 17°19'13" W	88.37'
C9	55.95'	100.00'	N 17°19'21" W	55.22'
C10	40.25'	30.00'	N 37°08'28" E	37.30'
C11	13.65'	120.00'	N 78°50'22" E	946.46'
C12	18.77'	15.00'	S 53°53'05" W	17.57'
C13	28.35'	15.00'	S 36°06'55" E	24.32'
C14	23.83'	15.00'	S 44°13'27" W	21.40'
C15	23.29'	15.00'	S 45°46'33" E	21.02'
C16	11.31'	160.00'	S 03°19'22" E	11.30'
C17	78.20'	160.00'	S 19°20'55" E	77.43'
C18	47.51'	100.00'	S 19°44'20" E	47.07'
C19	8.44'	100.00'	S 03°42'30" E	8.44'
C20	3.44'	170.00'	S 00°42'33" E	3.44'
C22	31.50'	230.00'	S 14°06'28" W	31.47'
C23	46.06'	230.00'	S 04°26'50" W	45.98'
C24	13.65'	120.00'	S 78°50'22" W	13.64'
C25	16.00'	120.00'	N 85°55'09" E	15.99'

NOTES:

Owner: Stephen Clabby and Deon Clabby
 4046 Jodi Drive
 Waterloo, Iowa 50701

Preparer: Adam Recker, PLS
 Professional Land Surveyor
 Fehr Graham Engineering & Environmental
 221 East Main Street, Suite 301
 Manchester, Iowa 52057
 563.927.2060

Developer: Kyle Larson
 LGC Group
 PO Box 277
 Cedar Falls, Iowa 50613
 319.266.6609

Zoning:
 Existing: R-2 – Residence District (1 & 2 Unit Residential)
 Proposed: R-2 – Residence District

Setbacks:
 R-2: Front Yard=25 ft, Rear Yard=30 ft, Side Yard=10% of lot width

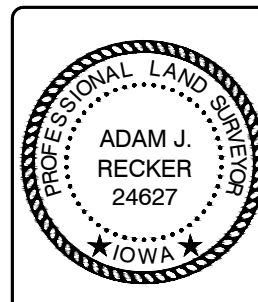
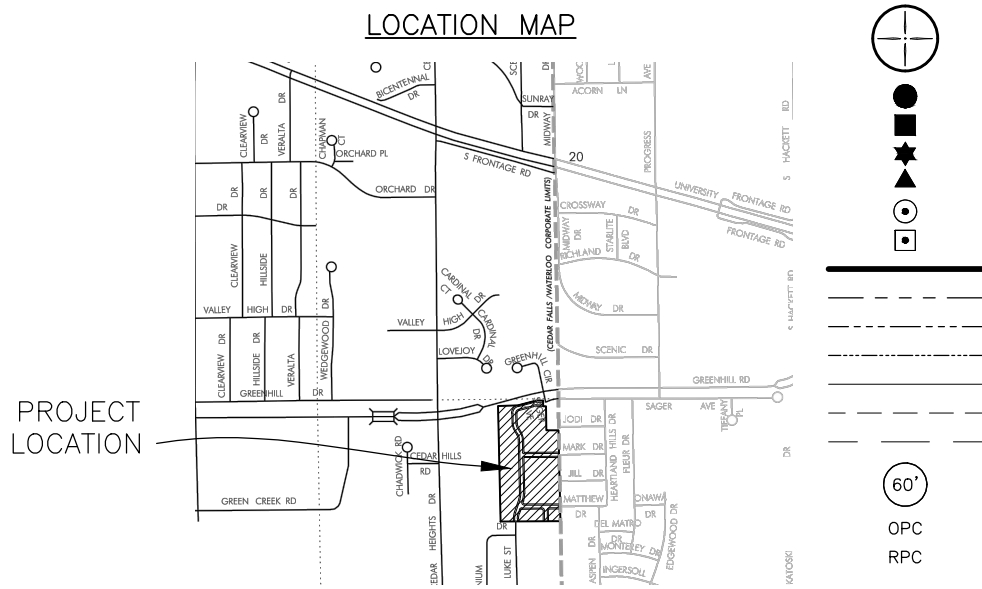
Line Table		
NUMBER	BEARING	DISTANCE
L1	N 33°21'02" W	42.38'
L2	S 18°01'52" W	83.87'
L3	N 01°17'23" W	26.18'
L4	N 01°17'23" W	27.08'
L5	N 33°21'02" W	30.17'
L6	S 33°21'02" E	7.54'
L7	S 33°21'02" E	42.38'
L8	S 18°01'52" W	28.52'
L9	S 18°01'52" W	84.33'
L10	S 18°01'52" W	41.66'
L11	N 18°01'52" E	42.70'
L12	N 18°01'52" E	94.79'
L13	N 18°01'52" E	17.02'
L14	S 01°17'23" E	85.60'
L15	S 33°21'02" E	30.17'
L16	N 33°21'02" W	19.74'

Flood Plain/Floodway: not in regulatory flood plain or floodway (Zone X)

LEGEND

- SECTION CORNER AS DESCRIBED
- FOUND 1/2"Ø REBAR
- FOUND 1/2"Ø REBAR W/YPC #12086
- FOUND "T" BAR
- FOUND 1" PINCHED IRON PIPE
- SET 1/2"Ø REBAR W/RPC #24627
- CALCULATED POSITION
- SURVEY BOUNDARY
- SECTION LINE
- 1/4 SECTION LINE
- 1/4-1/4 SECTION LINE
- EXISTING PROPERTY LINE
- PROPOSED EASEMENT
- PROPOSED SETBACK LINE
- RIGHT-OF-WAY WIDTH
- ORANGE PLASTIC CAP
- RED PLASTIC CAP

- TRACT A = 92739 SQ. FT./ 2.129 AC.
- TRACT B = 25489 SQ. FT./ 0.585 AC
- TRACT C = 78842 SQ. FT./ 1.810 AC.
- TRACT D = 23290 SQ. FT./ 0.535 AC.
- TRACT E = 8006 SQ. FT./ 0.184 AC.
- TRACT F = 65664 SQ. FT./ 1.507 AC.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa. The unadjusted error of closure does not exceed 1:10,000 for the subdivision boundary and does not exceed 1:5,000 for any individual lot.

PRELIMINARY

Adam J. Recker, P.L.S. _____ Date
 License Number: 24627
 My license renewal date is December 31, 2023.
 Sheets covered by this seal: SHEETS 1 THROUGH 3

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 ENGINEERING & ENVIRONMENTAL IOWA
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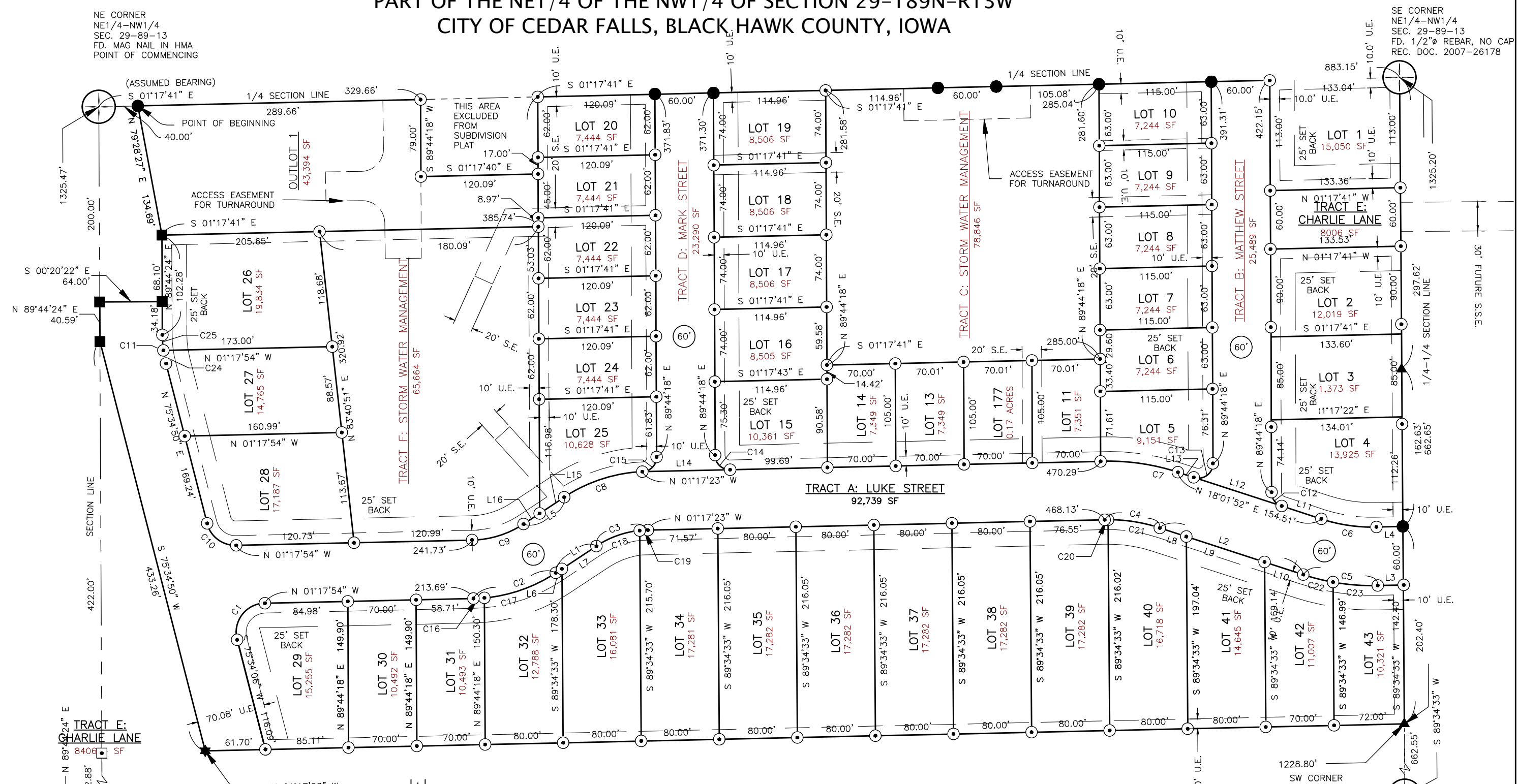
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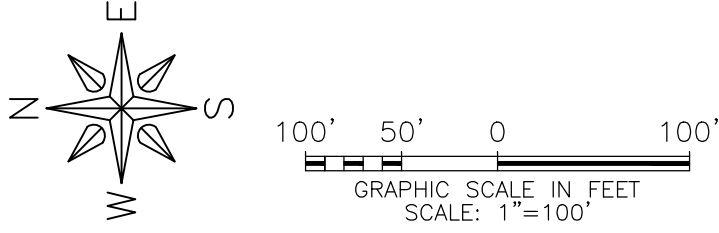
JOB NUMBER:
21-823

SHEET NUMBER
1 of 4

PRELIMINARY PLAT HIDDEN PINES PART OF THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



NOTE:
 U.E. = UTILITY EASEMENT
 S.E. = STORM SEWER EASEMENT
 S.S.E. = SANITARY SEWER EASEMENT



SEE SHEET 1 FOR TRACT AREA INFORMATION
 AND LEGEND INFORMATION

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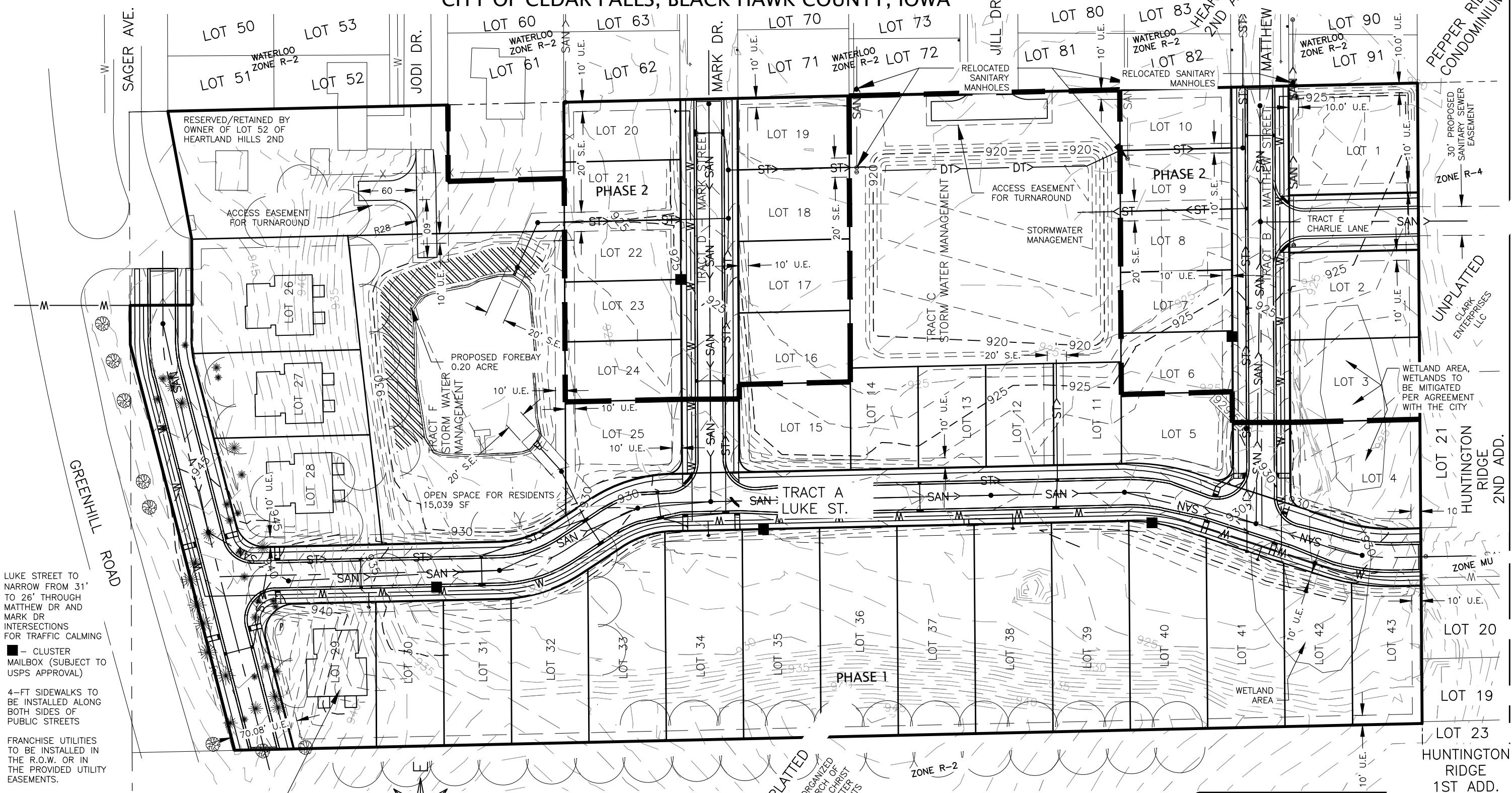
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SURVEY WAS COMPLETED ON: MONUMENTS TO BE SET WITHIN 1 YEAR OF RECORDING		SHEET NUMBER 2 of 4

PRELIMINARY PLAT HIDDEN PINES

IN THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W
CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



LUKE STREET TO NARROW FROM 31' TO 26' THROUGH MATTHEW DR AND MARK DR INTERSECTIONS FOR TRAFFIC CALMING

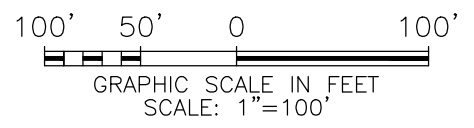
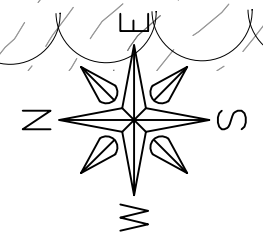
■ - CLUSTER MAILBOX (SUBJECT TO USPS APPROVAL)

4-FT SIDEWALKS TO BE INSTALLED ALONG BOTH SIDES OF PUBLIC STREETS

FRANCHISE UTILITIES TO BE INSTALLED IN THE R.O.W. OR IN THE PROVIDED UTILITY EASEMENTS.

NOTE:
U.E. = UTILITY EASEMENT
S.E. = STORM SEWER EASEMENT
S.S.E. = SANITARY SEWER EASEMENT

POSSIBLE DUPLEX LAYOUT



UNPLATTED
REORGANIZED
CHURCH OF
JESUS CHRIST
OF LATTER
DAY SAINTS

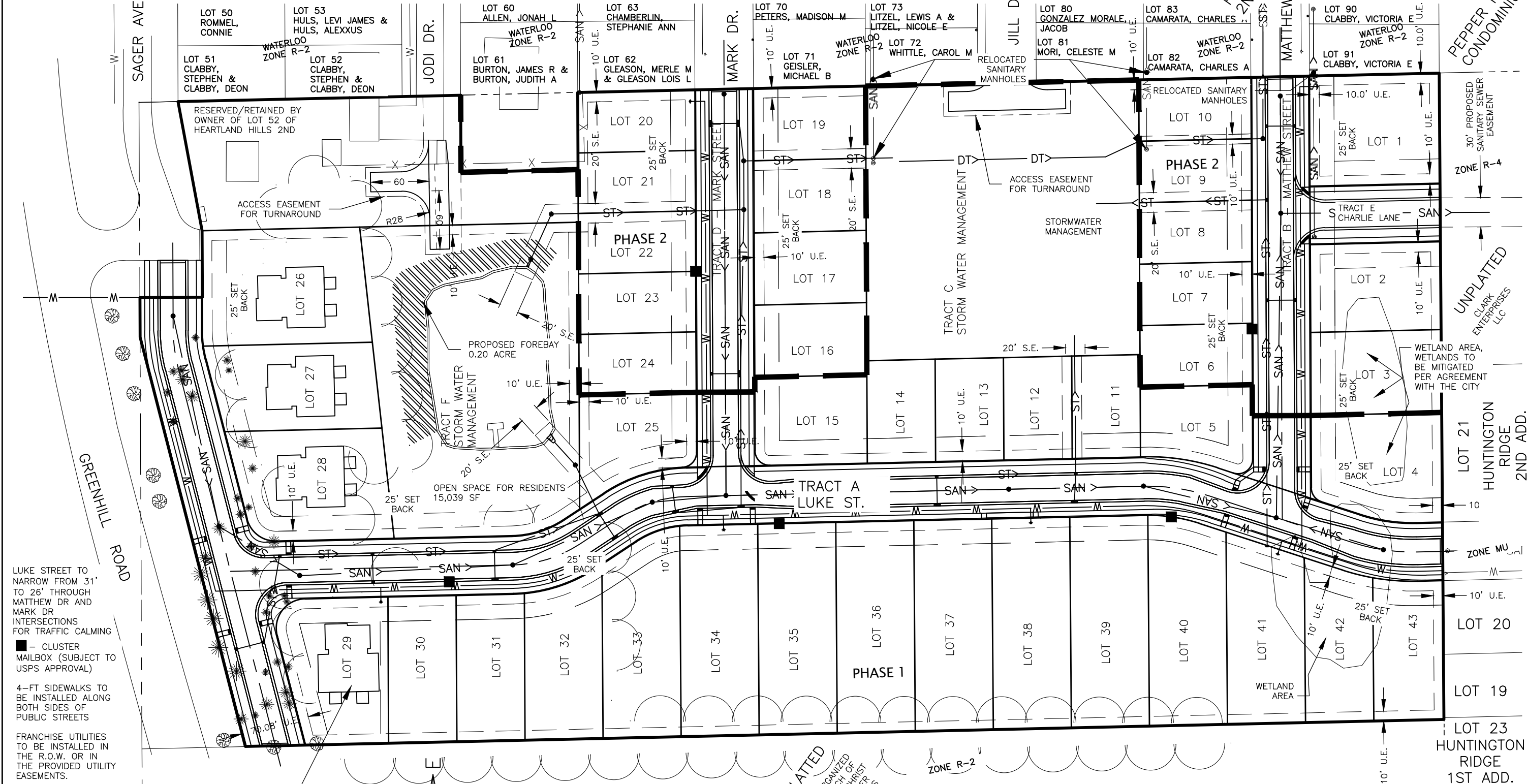
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ILLINOIS
IOWA
WISCONSIN

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FLD BK: <##>	PG: <##>
SURVEY WAS COMPLETED ON: MONUMENTS TO BE SET WITHIN 1 YEAR OF RECORDING	
JOB NUMBER: 21-823	SHEET NUMBER: 3 of 4

PRELIMINARY PLAT HIDDEN PINES

IN THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W
CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



LUKE STREET TO NARROW FROM 31' TO 26' THROUGH MATTHEW DR AND MARK DR INTERSECTIONS FOR TRAFFIC CALMING

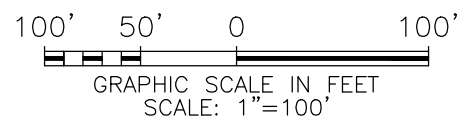
■ - CLUSTER MAILBOX (SUBJECT TO USPS APPROVAL)

4-FT SIDEWALKS TO BE INSTALLED ALONG BOTH SIDES OF PUBLIC STREETS

FRANCHISE UTILITIES TO BE INSTALLED IN THE R.O.W. OR IN THE PROVIDED UTILITY EASEMENTS.

NOTE:
 U.E. = UTILITY EASEMENT
 S.E. = STORM SEWER EASEMENT
 S.S.E. = SANITARY SEWER EASEMENT

POSSIBLE DUPLEX LAYOUT



UNPLATTED REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

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ILLINOIS
 IOWA
 WISCONSIN

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SURVEY WAS COMPLETED ON:
 MONUMENTS TO BE SET WITHIN
 1 YEAR OF RECORDING

JOB NUMBER:
 21-823

SHEET NUMBER:
 4 of 4

DEED OF DEDICATION
OF
PRELIMINARY PLAT
OF
HIDDEN PINES
PART OF THE NE ¼ OF THE NW ¼ OF
SECTION 29-T89N-R13W
CITY OF CEDAR FALLS,
BLACK HAWK COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That LG Companies, LLC, an Iowa limited liability company, with its principal office in Cedar Falls, Iowa; being desirous of setting out and platting into lots and streets the land described in the attached Certificate of Survey by Adam J. Recker, a Professional Engineer and Licensed Land Surveyor, dated ____ day of _____, 2022, do by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Iowa the same to be known as:

HIDDEN PINES
PART OF THE NE ¼ OF THE NW ¼ OF
SECTION 29-T89N-R13W
CITY OF CEDAR FALLS,
BLACK HAWK COUNTY, IOWA

all of which is with the free consent and the desire of the undersigned and the undersigned do hereby designate and set apart for public use the street(s) as shown upon the attached plat.

EASEMENTS

The undersigned do hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, gas, electricity, communication service or cable television, perpetual easements for the erection, laying building and maintenance of said services over, across, on and/or under the property as shown on the attached plat. Such easements shall be deemed to run with the land and shall be binding upon the undersigned and the undersigned’s successors and assigns. No building structures, landscaping structures, private gardens or any other possible obstruction can be placed in the easements.

Any and all drainage easements will be required to follow the “Stormwater Management Plan by Fehr Graham dated September 19, 2022” and no building structures, fence structures, landscaping structures, private gardens or any other possible obstruction can be built in and over said drainage easements. All lot owners and/or contractors working on said lots will be responsible to maintain said easements to be free and clear of any physical obstruction(s) thus allowing the conveyance of overland storm water runoff as intended per “Stormwater Management Plan” on record with the City of Cedar Falls Engineer's Office.

The undersigned do hereby grant and convey to the City of Cedar Falls, its successors and assigns, access to the Public Access Easement shown on Outlot "1", Tract "C", and Tract "F".

RESTRICTIONS

Be it also known that the undersigned do hereby covenant and agree for themselves and their successors and assigns that each and all of the residential lots in said subdivision be and the same are hereby made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or their successors in interest may hereinafter make for any of said lots and that such restrictions shall run with the land and with each individual lot thereof for the length of time and in all particulars hereinafter stated, to-wit:

1. Any dwelling that shall be erected on any lot shall have a minimum setback from the front, side, and rear of the lot lines as indicated on attached Final Plat. The minimum set back from each side lot line is 10% of the lot width measured along the front of the lot or seven (7) feet whichever is greater. All minimum setbacks will be required to meet or exceed R-2 Zoning.

2. No single family dwelling shall be constructed, permitted or occupied on Lots 1-26 or 31-44 herein having a square footage floor space, designed, intended, and constructed for living quarters, which space shall not include cellars, attics, garages, breezeways, porches, stoops, and other such non-living areas, of less than the following requirements:

- A. 1,300 square feet for the main base of a single story, split-level or split-foyer houses.
- B. 1,000 square feet on the first floor for story and one-half houses, or two story houses. With a total for all floors not less than 1,650 square feet excluding the basement level.

3. Each single family residence shall have a minimum of a two stall attached garage with a minimum of 525 square feet with a maximum of a three stall garage with a maximum of 1,600 square feet.

4. Condominiums may be constructed on Lots 27-30.

5. The owner(s) of each lot, vacant or improved, shall keep his/hers lot or lots free of weeds and debris.

6. No obnoxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

7. All approaches and driveways in said subdivision shall be paved with concrete.

8. Owner of each lot shall comply with all requirements of the US Post Office for mail receptacles. All mailboxes shall be clustered or grouped for the units, and shall be placed between the curb line and the property line abutting the lots. The area around said mailboxes

shall be kept free and clear by the owner of the lots on which said mailboxes are located. Location of the clustered mailboxes shall be reviewed and approved by the City of Cedar Falls, Iowa.

9. No old or used buildings shall be moved upon any of the lots in said subdivision for any purpose. Any auxiliary buildings or sheds must be built of the same or similar materials of the residential structure on the lot and have the same roof pitch and design as said residential structure.

10. No radio station or short-wave operators of any kind shall operate from any lot which shall cause interference with audio or visual reception upon any other lot. No exterior radio antenna shall be erected or maintained in or on the property. No satellite TV antenna or "Dish" may be maintained, constructed or erected on any lot unless it is constructed in the rear yard and at least twenty feet from any property line and is shielded from the public view by shrubbery and landscaping. No dish larger than 24" will be allowed.

11. No dwelling on any lot of said subdivision shall be occupied until the exterior is completed and finished and the interior substantially completed and finished.

12. No bus, semi-tractor, RV, fifth-wheel camper, trailer or truck of any kind except what is commonly described as a "pick-up truck" shall be kept or parked on any lot or street in said subdivision for a period not to exceed twenty-four hours, after which said vehicle can not return to said subdivision for a period of five days, provided, however, that this prohibition shall not apply to such vehicles driven in said subdivision in pursuit of and in conducting their usual business.

13. All buildings erected on any lot in said subdivision shall be constructed in accordance with the all applicable statutes, ordinances, codes, rules, regulations and standards of the City of Cedar Falls, Iowa.

14. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that two dogs or cats maximum, or other household pets are allowed and then only if they are not kept, bred or maintained for any commercial purposes, such animals shall be kept under control so as not to constitute a public nuisance and must be kept in compliance with applicable zoning laws and regulations of the City of Cedar Falls, Black Hawk County, Iowa. Dog runs or dog kennels of any kind are prohibited.

15. Any and all fencing constructed on said lots shall have a minimum set back of one foot from any property line. Construction of any privacy fencing must have the support posts on the interior side of the fencing.

16. A four foot wide P.C.C. sidewalk four inches thick will be installed by the owner of said lot during or immediately after the construction of the residence on any particular lot, or within five years after the date the plat is filed in the office of the recorder of Black Hawk County, whichever is sooner and that the sidewalk be across the full width of the lot and on corner lots also. In the event that the City is required to construct the sidewalk, a lien or liens

may only be imposed against the lot or lots which require city construction and no others in the subdivision.

17. No building or structure shall be erected, placed or altered on any lot in this subdivision until the building plans, and plot plan, showing all buildings, patios, and pools, and showing the location thereof, and side yard distances, rear yard distances, front yard distances, driveways, and walkways, and type of construction have been approved in writing as to conformity and harmony of the external design and quality workmanship and materials with existing structures in the subdivision by a representative of LG Companies, LLC.

18. Factory-built housing or modular homes will not be allowed. Panelized homes may be allowed, but must meet the requirements of LG Companies, LLC, as stated in the previous restriction.

19. The contractor or owner of any lot shall verify the depth of the sanitary sewer service line serving said lot to ensure minimum drainage will be met prior to any footing or foundation work being completed. All sump pump lines must be buried and attached to the subdrain along the back of the P.C.C. curbed street. No sump lines will be allowed to dump directly onto the ground surface.

20. Each person or entity who is record owner of a fee or undivided fee interest in any lot shall be a member of the Homeowners Association to be known as Hidden Pines Homeowners Association. This shall not be construed to include persons or entities who hold an interest merely as security for the performance of an obligation. There shall be one vote per lot and each lot owner shall be a member of the Homeowners Association. Membership shall be appurtenant to and may be not separated from ownership of any lot; ownership of such lot shall be the sole qualification of membership.

The purpose of Hidden Pines Homeowners Association shall be to own and maintain the common area and green spaces of the development, , the retention pond(s) and surrounding access (whether located in said subdivision or serving said subdivision but located outside thereof) and such other activities set forth in the Articles of Incorporation and Bylaws of the Association. Such ownership and maintenance shall include, but not be limited to, common neighborhood monument-type mailboxes, mowing, watering, including upkeep of any underground sprinkler system, snow removal of common areas, maintenance of the retention pond(s) water retention/detention area(s). Initially, the Developer, LG Companies, LLC, shall perform the actual construction duties to establish the common area, green spaces, entrance, pond and surrounding access area.

The annual dues for the Association shall initially be set at \$____ per lot per year beginning in _____, 2022. The Developer, LG Companies, LLC, shall be exempt from any dues expense. The Association shall have the ability and authority to adjust annual dues as it deems appropriate to carry out the maintenance duties as described above.

22. The Owner and/or occupant of each Lot shall jointly and severally be responsible to keep in good order or to maintain the area between the curblineline and the property line abutting

their property including keeping said area free of holes, pitfalls, stumps of trees, fences, brick, stone, cement, stakes, posts or rods to which a metal, plastic or similar receptacle designed to hold newspapers are affixed, private irrigation or sprinkler systems, retaining walls, landscaping brick, block, stone, timber or other similar material, or any other similar obstructions.

23. Tracts "A", "B", "D" and "E" are dedicated hereto to the City of Cedar Falls, Iowa for street purposes.

23. Outlot 1 shall be conveyed to the owner of adjoining real estate to the east of Lot 26.

24. Tracts "C and "F" will be used for stormwater management and are non-buildable and designed to meet SUDAS and the City of Cedar Falls Standards and Specifications. Said Outlots will be vegetated with native plantings or maintained as mowed lawn for recreation space.

25. Tract "F" will also be used for public access.

PUBLIC IMPROVEMENTS REQUIRED

1. The Street(s) shown on the attached plat, will be brought to City grade and that the street will be sixty (60) feet, back of curb to back of curb, with approved hard surface pavement in accordance with the City of Cedar Falls, Standard Specifications unless otherwise specified as per approved construction plans.

2. Sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the plat will be provided.

3. That underground utilities, as required by the Subdivision Ordinance of the City of Cedar Falls, Iowa, shall be installed.

4. That city water will be provided to all lots as required by the Cedar Falls Municipal utilities.

5. That municipal fire hydrant(s) will be provided as required by the Cedar Falls Public Safety Department.

6. That Storm sewer will be provided as specified by the City Engineer.

7. That handicap ramps will be provided as required by law.

8. All buildings erected on any lot in said subdivision shall be constructed in accordance with all applicable statutes, ordinances, codes, rules, regulations and standards of the City of Cedar Falls.

9. That the work improvements called herein shall be in accordance with the specifications of the City of Cedar Falls, Iowa, and performed under the supervision of the City

Engineer. In the event that the developer, LG Companies, LLC, it grantees and assigns fail to complete said work and improvements called for within one (1) year from the date of the acceptance of said final plat by the City of Cedar Falls, Iowa, the City may then make improvements and assess the costs of the same to the respective lots. The undersigned, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and agree that the City may install said improvements and assess the total costs thereof against the respective lots.

10. That the City may perform said work, levy the cost thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on the respective lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessments have been observed, and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

11. The Developer shall construct and install all required public improvements within the subdivision plat, to conform with approved construction plans which meet the specifications of the City of Cedar Falls, Iowa. Such required public improvements shall meet the following requirements:

- A. Shall be constructed and installed in a good and workmanlike manner;
- B. Shall be free of defects in workmanship or materials;
- C. Shall be free of any conditions that could result in structural or other failure of said improvements;
- D. Shall be constructed and installed in accordance with the design standards and technical standards established for such public improvements by the City and by Cedar Falls Utilities;
- E. Shall be constructed and installed in strict compliance with the minimum acceptable specifications for the construction of public improvements set forth in the Cedar Falls Code of Ordinances, including without limitation, Chapter 24, Subdivisions, and as such specifications shall be recommended for approval by the City Engineer from time to time, and approved by the city council.
- F. Shall otherwise be constructed in accordance with all applicable statutes, ordinances, codes, rules, regulations and standards.

12. The Developer’s construction plans are now on file in the Office of the City Engineer.

SIGNED and DATED this _____ day of _____, 2022

LG Companies, LLC

Kyle Larson, Manager

STATE OF IOWA, BLACK HAWK COUNTY: ss

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kyle Larson, Manager of LG Companies, LLC, to me known as the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed on behalf of LG Companies, LLC.

Notary Public in and for the State of Iowa

Prepared By: Eric W. Johnson, P.O. Box 178, Waterloo, IA 50704-0178 (319)234-1766

After Recording Return To: Eric W. Johnson, P.O. Box 178, Waterloo, IA 50704-0178

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into by and between Clark Enterprises, LLC ("Clark") and LG Companies, LLC ("LG").

WHEREAS, Clark is the owner of real estate legally described as:

See attached Exhibit "A" ("Clark Property").

WHEREAS, LG Companies is purchasing the real estate legally described as:

See attached Exhibit "B" ("LG Property").

WHEREAS, Clark wishes to grant an easement on Clark Property to LG Property for sanitary sewer from Huntington Road to LG Property.

NOW THEREFORE IT IS HEREBY AGREED by and between the parties as follows:

1. **Grant of Easement.** Clark hereby grants LG Property an easement for a sanitary sewer line that is located on Clark Property that serves LG Property. Said area being more particularly shown on attached Exhibit "C" ("Easement Premises").

2. **Use of Easement Premises.** Exclusive use of the Easement Premises is not hereby granted. Clark expressly reserves the right for themselves and others to use the Easement Premises for any use which does not unreasonably interfere with LG's use of the Easement Premises. Clark agrees not to construct any permanent structures on Easement Premises, other than concrete/asphalt drives or parking.

3. **Construction and Maintenance.** LG shall solely be responsible for the cost of constructing and maintaining said sanitary sewer, including restoring the Easement Premises to its condition prior to the construction or maintenance. Notwithstanding the above provision, either party causing damage to Easement Premises through negligence on the part of that party themselves or others for them or their behalf shall be wholly responsible for any such damage resulting from any such negligence.

4. **Indemnification.** LG agrees to defend, protect, indemnify and hold harmless Clark from and against all claims, demands, liens, costs, losses, expenses and liabilities of any kind, including attorney's fees, arising out of or resulting from or related to LG's use of the Easement Premises.

5. **Running of Benefit and Burdens.** All the provisions of this Agreement, including the benefits and burdens, run with the land and are binding on and inure to the benefit of the heirs, assigns, and successors of the parties.

6. **Miscellaneous.**

(a) This Agreement shall be constructed, construed, and enforced in accordance with the laws of the State of Iowa.

(b) This Agreement sets forth the entire understanding of the parties and no terms, conditions, or warranties other than those contained herein and no amendments thereto shall be valid unless made in writing and signed by the parties hereto.

(c) The prevailing party in any legal action brought to enforce this Agreement shall be entitled to reasonable attorney fees and costs.

LG Companies, LLC

Clark Enterprises, LLC

By: Kyle Larson
Its: Manager

By: Adam Clark
Its: Manager

State of Iowa)

County of _____)ss

This record was acknowledged before me on this ____ day of _____, 2021, by Kyle Larson, as Manager of LG Companies, LLC.

Notary Public

State of _____)

County of _____)ss

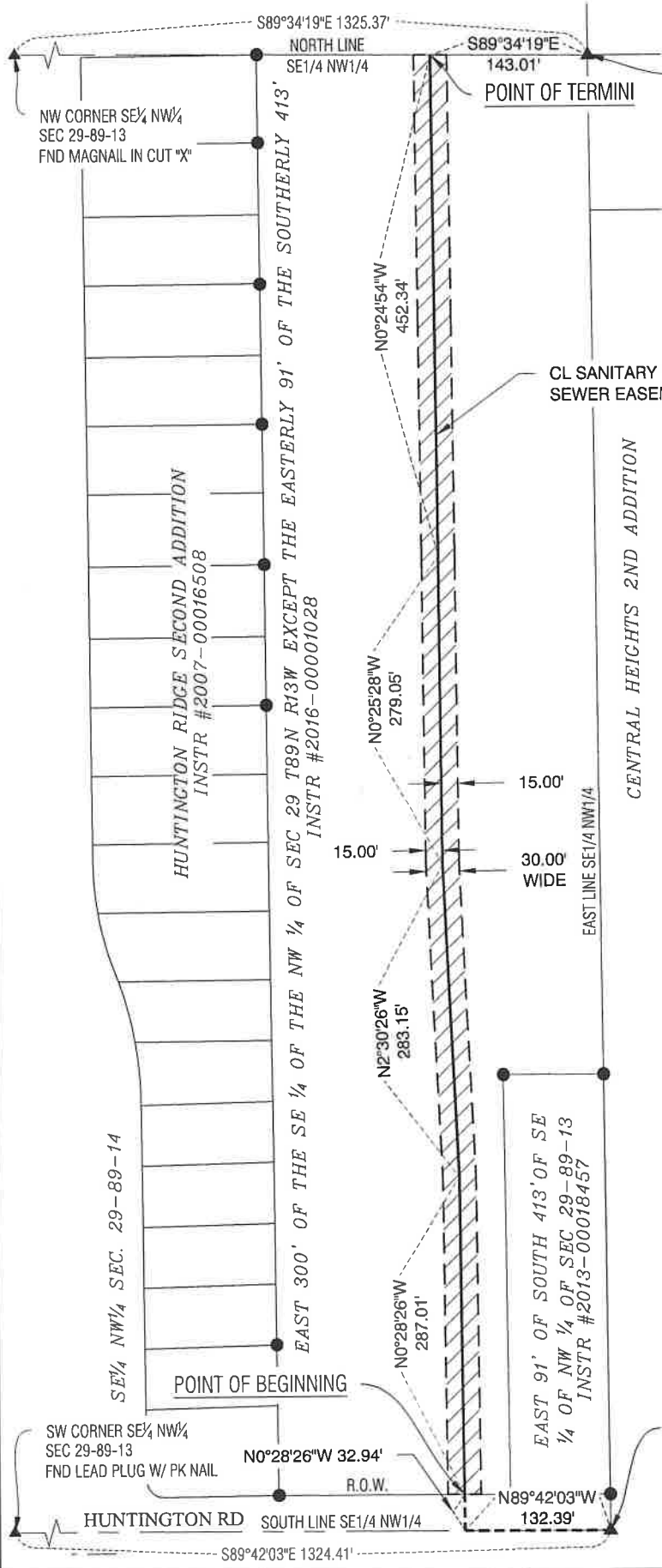
This record was acknowledged before me on this ____ day of _____, 2021, by Adam Clark, as Manager of Clark Enterprises, LLC.

Notary Public

PERMANENT SANITARY SEWER EASEMENT

Item 6.

INDEX LEGEND	
LOCATION:	BLACK HAWK COUNTY, CEDAR FALLS, IOWA
PROPRIETOR:	CLARK ENTERPRISES LLC
SURVEY REQUESTED BY:	KYLE LARSON
FIELD WORK COMPLETED:	4/1/2016
SURVEY PREPARED BY:	CLAPSADDLE-GARBER ASSOCIATES, INC,
RESPOND TO:	TRAVIS STEWART
	16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 PHONE 319-266-0258 TSTEWART@CGACONSULTANTS.COM



NE CORNER SE 1/4 NW 1/4 SEC 29-89-13
FND 1/2" IRON PIN

DESCRIPTION

A 30.00' WIDE SANITARY SEWER EASEMENT, 15.00' ON BOTH SIDES OF DESCRIBED CENTERLINE, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 89 NORTH, RANGE 13 WEST OF THE 5th P.M., BLACK HAWK COUNTY, CEDAR FALLS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SECTION 29, TOWNSHIP 89 NORTH, RANGE 13 WEST; THENCE, N89°42'03"W 132.39' ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N0°28'26"W 32.94' TO THE POINT OF BEGINNING, A POINT ON THE NORTH RIGHT OF WAY LINE OF HUNTINGTON ROAD, THENCE N0°28'26"W 287.01'; THENCE N2°30'26"W 283.15', THENCE N0°25'28"W 279.05'; THENCE N0°24'54"W 452.34' TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29; CONTAINING 39047 SQ FT/ 0.90 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS, IF ANY.

LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- ▲ GOVERNMENT CORNER MONUMENT SET
1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- () RECORDED AS

NOTE:
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

CENTER OF SEC 29-89-13
FND MAGNAIL
POINT OF COMMENCEMENT

**SANITARY SEWER EASEMENT
BLACK HAWK COUNTY**



Clapsaddle-Garber Associates, Inc
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaconsultants.com

DRAWN	KNW	SHEET NO.	1 OF 1
DATE	5-13-21	PROJ	84

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS _____ date _____
Iowa License Number 17162
My License Renewal Date is December 31, 2021
Pages or sheets covered by this seal: THIS SHEET





CITY OF WATERLOO, IOWA

Item 6.

ENGINEERING DEPARTMENT

715 Mulberry St. • Waterloo, IA 50703 • Phone (319) 291-4312 • Fax (319) 291-4262
Email: city.engineer@waterloo-ia.org
JAMIE KNUTSON, PE • City Engineer

July 18, 2022

Mayor
QUENTIN
HART

COUNCIL
MEMBERS
.....

MARGARET
KLEIN
Ward 1

JONATHAN
GRIEDER
Ward 2

PATRICK
MORRISSEY
Ward 3

JEROME
AMOS, JR.
Ward 4

RAY
FEUSS
Ward 5

SHARON
JUON
At-Large

DAVE
BOESEN
At-Large

Nathan Kass
Fehr Graham
200 5th Avenue SE
Suite 100
Cedar Rapids, IA 52401

**RE: STREET AND INFRASTRUCTURE CONNECTIONS FROM
HIDDEN PINES SUBDIVISION**

Dear Nathan:

The Engineering Department has reviewed the preliminary plat for street and utility connections to the City of Waterloo. The Engineering Department has no objection with the proposed preliminary plat as attached to this letter.

The Engineering Department has reviewed the stormwater management report dated 06/13/2022 and agree with the findings.

The City of Waterloo reserves the right to review and comment on the final construction plans as they relate to the street and utility connections prior to construction beginning.

Sincerely,

Jamie Knutson, PE
City Engineer

Cc: Dennis Gentz, Assistant City Engineer
Matt Schindel, Associate Engineer